

Name

Address

CDC or ID Number

Petitioner

Respondent

KENNETH MILLS  
 SALINAS VALLEY STATE PRISON 10-211241  
 125 ALGER STREET  
 SOLEDA CA 93601-050

F19005

UNITED STATES DISTRICT COURT  
 NORTHERN DIST. OF CALIF.

CV

08

0284 (PR)

PETITION FOR WRIT OF HABEAS CORPUS

No.

(To be supplied by the Clerk of the Court)

## INSTRUCTIONS—READ CAREFULLY

- If you are challenging an order of commitment or a criminal conviction and are filing this petition in the Superior Court, you should file it in the county that made the order.
- If you are challenging the conditions of your confinement and are filing this petition in the Superior Court, you should file it in the county in which you are confined.
- Read the entire form *before* answering any questions.
- This petition must be clearly handwritten in ink or typed. You should exercise care to make sure all answers are true and correct. Because the petition includes a verification, the making of a statement that you know is false may result in a conviction for perjury.
- Answer all applicable questions in the proper spaces. If you need additional space, add an extra page and indicate that your answer is "continued on additional page."
- If you are filing this petition in the Superior Court, you need file only the original unless local rules require additional copies. Many courts require more copies.
- If you are filing this petition in the Court of Appeal, file the original and four copies of the petition and, if separately bound, one copy of any supporting documents.
- If you are filing this petition in the California Supreme Court, file the original and ten copies of the petition and, if separately bound, two copies of any supporting documents.
- Notify the Clerk of the Court in writing if you change your address after filing your petition.
- In most cases, the law requires service of a copy of the petition on the district attorney, city attorney, or city prosecutor. See Penal Code section 1475 and Government Code section 72193. You may serve the copy by mail.

Approved by the Judicial Council of California for use under rule 8.380 of the California Rules of Court (as amended effective January 1, 2007). Subsequent amendments to rule 8.380 may change the number of copies to be furnished to the Supreme Court and Court of Appeal.

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This petition concerns:

☐ A conviction☐ Parole☐ A sentence☐ Credits☐ Jail or prison conditions☐ Prison discipline☒ Other (specify):

Refusal to Give Crim. Transcripts

1. Your name:

KENNETH MZIK

2. Where are you incarcerated?

SACRAMENTO STATE PRISON

3. Why are you in custody?



Criminal Conviction



Civil Commitment

Answer subdivisions a. through i. to the best of your ability.

a. State reason for civil commitment or, if criminal conviction, state nature of offense and enhancements (for example, "robbery with use of a deadly weapon")

MIA THEM

ASSAULT WITH FORCE LIKELY TO PRODUCE INJURY

§ 205 &amp; § 245 (a)(1)

b. Penal or other code sections:

c. Name and location of sentencing or committing court:

SUPERIOR COURT OF CALIF-

ORNIA - NORWALK SUPERIOR COURT

d. Case number:

KAD88677

e. Date convicted or committed:

JUNE 06th 2006 (666)

f. Date sentenced:

AUGUST 28th 2006

g. Length of sentence:

LIFE + 16 YEARS

h. When do you expect to be released?

NOT KNOWN

i. Were you represented by counsel in the trial court?

☐ Yes.

No. If yes, state the attorney's name and address:

4. What was the LAST plea you entered? (check one)



Not guilty



Guilty



Nolo Contendere



Other:

5. If you pleaded not guilty, what kind of trial did you have?



Jury



Judge without a jury



Submitted on transcript



Awaiting trial

8. Did you appeal from the conviction, sentence, or commitment? ☒ Yes. ☐ No. If yes, give the following information:

a. Name of court ("Court of Appeal" or "Appellate Dept. of Superior Court"): N/A

b. Result: N/A

c. Date of decision: N/A

d. Case number or citation of opinion, if known: N/A

e. Issues raised: (1) N/A

(2) N/A

(3) N/A

f. Were you represented by counsel on appeal? ☒ Yes. ☐ No. If yes, state the attorney's name and address, if known:

ELENA AUGUSTINO, Solano County

9. Did you seek review in the California Supreme Court? ☐ Yes ☐ No. If yes, give the following information:

a. Result: \_\_\_\_\_

b. Date of decision: \_\_\_\_\_

c. Case number or citation of opinion, if known: \_\_\_\_\_

d. Issues raised: (1) \_\_\_\_\_

(2) \_\_\_\_\_

(3) \_\_\_\_\_

10. If your petition makes a claim regarding your conviction, sentence, or commitment that you or your attorney did not make on appeal, explain why the claim was not made on appeal:

#### 11. Administrative Review:

a. If your petition concerns conditions of confinement or other claims for which there are administrative remedies, failure to exhaust administrative remedies may result in the denial of your petition, even if it is otherwise meritorious. (See *In re Muszalski* (1975) 52 Cal.App.3d 500 [125 Cal.Rptr. 286].) Explain what administrative review you sought or explain why you did not seek such review:

b. Did you seek the highest level of administrative review available? ☒ Yes. ☐ No.

Attach documents that show you have exhausted your administrative remedies.

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## 6. GROUNDS FOR RELIEF

Ground 1: State briefly the ground on which you base your claim for relief. For example, "the trial court imposed an illegal enhancement." (If you have additional grounds for relief, use a separate page for each ground. State ground 2 on page four. For additional grounds, make copies of page four and number the additional grounds in order.)

TRIAL COURT (JUDGE) DENIED ME RIGHTS TO HAVE  
CRIMINAL TRIAL TRANSCRIPTS: VIOLATE U.S. SUPREME COURT  
DECISIONS <sup>20</sup>

## a. Supporting facts:

Tell your story briefly without citing cases or law. If you are challenging the legality of your conviction, describe the facts upon which your conviction is based. If necessary, attach additional pages. CAUTION: You must state facts, not conclusions. For example, if you are claiming incompetence of counsel you must state facts specifically setting forth what your attorney did or failed to do and how that affected your trial. Failure to allege sufficient facts will result in the denial of your petition. (See *In re Swain* (1949) 34 Cal.2d 300, 304.) A rule of thumb to follow is: who did exactly what to violate your rights at what time (when) or place (where). (If available, attach declarations, relevant records, transcripts, or other documents supporting your claim.)

I THE PETITIONER DO HEREBY STATE THE  
PRACTICAL TREATMENT ON MY RECORD FOR  
TRIAL TRANSCRIPTS. ON SEPTEMBER 06TH 2005 I MADE  
1st APPEARANCE IN NEWARK Superior Court "JUDGE LARRY  
Knepp PREVIOUSLY U.S. SUPREME COURT SERIES OF DECISIONS)  
PETITIONER WAS APPEARING IN CRIMINAL TRIAL (VAD-  
88677) UNDER "PROPRIA PERSONA" (PRO-PR - DEFENDING  
ONES SELF) I WAIVED "NO TIME" ON NOVEMBER 02ND 2005  
I AGAIN WAS IN "SUPERIOR COURT JUDGE "LARRY Knepp  
COURT ROOM (NEWARK - PRO-PR), FOR CRIM. CASE  
NO. VAD88677. I HAD AWAITED (57) DAYS FOR MY  
"CONSTITUTIONAL 160 DAYS SPEED TRIAL. AT THIS  
TIME THE PROSECUTOR STATED: I DON'T THINK HE'S COM-  
(CONF. ATTACHED)

## b. Supporting cases, rules, or other authority (optional):

(Briefly discuss, or list by name and citation, the cases or other authorities that you think are relevant to your claim. If necessary, attach an extra page.)

"DEFENDANTS RIGHT TO FREE TRANSCRIPTS" [81077]; EQUAL PRO-  
TECTIONS OF THE LAWS; *GRiffin v. ILLINOIS* (1956) 351 U.S.  
12, 76 S.Ct. 585, 589, 100 L.Ed. 891, 897; *ESKRIJBE V. WA-*  
*SHINGTON ARMY BOARD* (1958) 357 U.S. 219, 78 S.Ct. 1066, 2 L.



7. Ground 2 or Ground

(if applicable)

TRIAL COURT DIDN'T USE PROCEDURE TO PROTECT ME FROM  
BEING ILLEGALLY INCARCERATED ALL THESE YEARS;  
CALIF. PRISON OFFICIALS DIDN'T FOLLOW THE LAWS OF  
CALIFORNIA FOR PROTECTING NOT A CORRECTIONAL PERSON BUT A FULLY

a. Supporting facts:

PETITIONER RESPECTFULLY SUBMIT THE PETITION ON  
THE PREJUDICE AND UNLAWFUL TREATMENT DONE TO  
PETITIONER. PETITIONER ALSO BEGS FOR A "EMERGENCY HEARING".  
ON THE YEAR OF 2001, I WAS UNLAWFULLY  
COMMITTED TO STATE PRISON (SEE SCANDAL COURT? HALL OF  
JUSTICE PAGE SUBMITTED WITH THIS PETITION)  
I WENT TO "SAN QUENTIN STATE PRISON",  
AT WHICH TIME I WAS GIVEN CAC-R NO. T-9-  
095. I WAS IMPRISONED FOR PROBATION VIOLATION.  
(CASE NO. VCR147775). I HAD A HEARING ON MY  
PROBATION VIOLATION. HEARING ON SPECIAL ABUSE AND  
PROBATION VIOLATION ON "JAN. 29th 2001" SUPERIOR  
COURT JUDGE "ALLEN P. CARTER" RULED: ALLEGATION  
THAT DEFENDANT VIOLATED A TERM OF PROBATION WAS DISMISSED.  
(EX-WIFE "WILLAMINA SPAGNER" STATED: "I  
DON'T KNOW WHAT HAPPENED - DIDN'T STATE THAT  
I DID NOTHING") I HAVE "VIOLATIONS" OF "CRC 4.100"  
AND "4.110"

b. Supporting cases, rules, or other authority:

"MY U.S. CAL. CONSTITUTION"  
"LAWS OF CALIFORNIA"  
"CIVIL RIGHTS OF U.S. CITIZEN"  
"ILLEGAL IMPRISONMENT"  
"SPECIAL TRIAL VIOLATIONS"  
"IMMUNITY OF STATE HOSPITAL PATIENT VIOLATED ACT" - VIOLATIONS

11 (GROUND #1 CONTINUED FROM PG 5)

21 PETENT JUDGE, AND THE JUDGE (LARRY KNEPP) STORED  
31 MY CRIMINAL TRIAL FOR A "PENAL CODE 8/36B" PROC-  
41 EEDINGS TO SEE TWO PSYCHIATRISTS. I MADE NO UN-  
51 RULY ACTIONS "IN" SUPERIOR COURT JUDGE COURT ROOM  
61 FOR MY TRIAL TO BE INTERRUPTED FOR ME TO SEE (2) PSY  
71 CHIASTRIST.

81 FEBRUARY 2006 (2) PSYCHIATRIST EVALUATIONS OF  
91 ME FOUND ME "COMPETENT TO STAND TRIAL" WITH  
101 (1) PSYCHIATRIST STATEMENT OF "I DON'T KNOW WHY  
111 MY TIME IS WASTED. ON THE FEBRUARY 2006 I WAS RE-  
121 TURNED BACK TO "CRIMINAL COURT" AT WHICH TIME I FILED  
131 A PENAL CODE 8/10.6 (ADJUDICATION) ON SUPERIOR COURT JUDGE  
141 LARRY KNEPP. I WAS SENT NEXT DOOR TO SUPER-  
151 IOR COURT JUDGE COURT ROOM "CYNTHIA RAYNE".

161 MY CRIMINAL TRIAL (VANDERBILT) AM 1571 DAYS  
171 AWAITING SPEEDY TRIAL WAS THROWN OUT BY SUPER-  
181 IOR COURT JUDGE "CYNTHIA RAYNE" (I AWAITED IN  
191 JUDGE KNEPP COURT ROOM)

201 I WAS GIVEN (ALLERGIC) ATTORNEY AT LAW  
211 FOR MY "APPEAL (B-183456) "SALLY PATRICK BRATEVICH".  
221 "I REQUESTED NUMEROUS OF TIMES "FROM ATTORNEY" TO  
231 "GIVE ME MY TRANSCRIPT" (that Superior Court Judge "LARRY-  
241 KNEPP & "CYNTHIA RAYNE" DENIED ME) (SEE ATTACHMENTS)

251 THIS ATTORNEY STATED OF "MAINTAINING RECORD ON APPEAL  
261 (ASKING FOR SPEEDY ATTORNEY BRATEVICH) "DON'T RECEIVE COMPLETE  
271 COPY OF TRANSCRIPT" I WANT CRIM. TRANSCRIPT OF VANDERBILT TRIAL  
281

12. Other than direct appeal, have you filed any other petitions, applications, or motions with respect to this conviction, commitment, or issue in any court? ☒ Yes. If yes, continue with number 13. ☐ No. If no, skip to number 15.

13. a. (1) Name of court: COURT OF APPEAL 1st APP. DIST. S.F. CA.  
 (2) Nature of proceeding (for example, "habeas corpus petition"): HABEAS CORPUS  
 (3) Issues raised: (a) ILLEGAL IMPRISONMENT  
 (b) CIVIL RIGHTS VIOLATION  
 (4) Result (Attach order or explain why unavailable): DENIED  
 (5) Date of decision: OCT. 26 2006

- b. (1) Name of court: \_\_\_\_\_  
 (2) Nature of proceeding: \_\_\_\_\_  
 (3) Issues raised: (a) \_\_\_\_\_  
 (b) \_\_\_\_\_  
 (4) Result (Attach order or explain why unavailable): \_\_\_\_\_  
 (5) Date of decision: \_\_\_\_\_

c. For additional prior petitions, applications, or motions, provide the same information on a separate page.

14. If any of the courts listed in number 13 held a hearing, state name of court, date of hearing, nature of hearing, and result:

15. Explain any delay in the discovery of the claimed grounds for relief and in raising the claims in this petition. (See *In re Swain* (1949) 34 Cal.2d 300, 304)  
"MENTALLY ILL"  
CF

16. Are you presently represented by counsel? ☐ Yes. ☒ No. If yes, state the attorney's name and address, if known:

17. Do you have any petition, appeal, or other matter pending in any court? ☐ Yes. ☒ No. If yes, explain:

18. If this petition might lawfully have been made to a lower court, state the circumstances justifying an application to this court:  
"N/A"  
"N/A"

I, the undersigned, say: I am the petitioner in this action. I declare under penalty of perjury under the laws of the State of California that the foregoing allegations and statements are true and correct, except as to matters that are stated on my information and belief, and as to those matters, I believe them to be true.

Date: DECEMBER 17th 2006

Bennett Mikh  
 (SIGNATURE OF PETITIONER)

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A. DEFENDANT'S RIGHT TO FREE TRANSCRIPT.  
1. "[§107] FELONY" (EXHIBIT 1A)

IN A SERIES OF DECISIONS, THE UNITED STATES SUPREME COURT HAS HELD THAT AN INDIGENT DEFENDANT IN A FELONY CASE IS ENTITLED TO BE FURNISHED WITH A COMPLETE TRANSCRIPT OF CRIMINAL PROCEEDINGS FOR THE PURPOSE OF APPELLATE REVIEW, BOTH ON APPEAL FROM JUDGEMENT OF CONVICTION AND IN POSTCONVICTION PROCEEDINGS; AND THAT "STATE STATUTES" OR "RULES" THAT RESTRICT THE RIGHT CONSTITUTE A DENIAL OF EQUAL PROTECTIONS OF THE LAWS. (SEE "GRIFFIN V. ILLINOIS" (1956) 357 U.S. 12; 76 S.Ct. 585, 589, 100 L.Ed. 891, 897; "ESKRIDGE V. WASHINGTON PRISON BOARD" (1958) 357 U.S. 214; 78 S.Ct. 1061; 2 L.Ed. 2d 1269; "SMITH V. BENNETT" (1961) 365 U.S. 708; 81 S.Ct. 895; 897; 6 L.Ed. 2d 39; 41; "LANE V. BROWN" (1963) 372 U.S. 477; 83 S.Ct. 768; 773; 9 L.Ed. 2d 892; 897; "ENTSMINGER V. IDWA" (1967) 386 U.S. 748; 87 S.Ct. 1402; 18 L.Ed. 2d 502; [REVERSAL]; "ALTHOUGH COUNSEL ASKED FOR FULL TRANSCRIPT, HE CONCLUDED THAT APPEAL WAS WITHOUT MERIT AND FAILED TO FILE IT"; "ARNOLD V. YEA" (1966) 384 U.S. 305; 86 S.Ct. 1497; 1499; 16 L.Ed. 2d 1269; 1271; 1273; 1275; 1277; 1279; 1281; 1283; 1285; 1287; 1289; 1291; 1293; 1295; 1297; 1299; 1301; 1303; 1305; 1307; 1309; 1311; 1313; 1315; 1317; 1319; 1321; 1323; 1325; 1327; 1329; 1331; 1333; 1335; 1337; 1339; 1341; 1343; 1345; 1347; 1349; 1351; 1353; 1355; 1357; 1359; 1361; 1363; 1365; 1367; 1369; 1371; 1373; 1375; 1377; 1379; 1381; 1383; 1385; 1387; 1389; 1391; 1393; 1395; 1397; 1399; 1401; 1403; 1405; 1407; 1409; 1411; 1413; 1415; 1417; 1419; 1421; 1423; 1425; 1427; 1429; 1431; 1433; 1435; 1437; 1439; 1441; 1443; 1445; 1447; 1449; 1451; 1453; 1455; 1457; 1459; 1461; 1463; 1465; 1467; 1469; 1471; 1473; 1475; 1477; 1479; 1481; 1483; 1485; 1487; 1489; 1491; 1493; 1495; 1497; 1499; 1501; 1503; 1505; 1507; 1509; 1511; 1513; 1515; 1517; 1519; 1521; 1523; 1525; 1527; 1529; 1531; 1533; 1535; 1537; 1539; 1541; 1543; 1545; 1547; 1549; 1551; 1553; 1555; 1557; 1559; 1561; 1563; 1565; 1567; 1569; 1571; 1573; 1575; 1577; 1579; 1581; 1583; 1585; 1587; 1589; 1591; 1593; 1595; 1597; 1599; 1601; 1603; 1605; 1607; 1609; 1611; 1613; 1615; 1617; 1619; 1621; 1623; 1625; 1627; 1629; 1631; 1633; 1635; 1637; 1639; 1641; 1643; 1645; 1647; 1649; 1651; 1653; 1655; 1657; 1659; 1661; 1663; 1665; 1667; 1669; 1671; 1673; 1675; 1677; 1679; 1681; 1683; 1685; 1687; 1689; 1691; 1693; 1695; 1697; 1699; 1701; 1703; 1705; 1707; 1709; 1711; 1713; 1715; 1717; 1719; 1721; 1723; 1725; 1727; 1729; 1731; 1733; 1735; 1737; 1739; 1741; 1743; 1745; 1747; 1749; 1751; 1753; 1755; 1757; 1759; 1761; 1763; 1765; 1767; 1769; 1771; 1773; 1775; 1777; 1779; 1781; 1783; 1785; 1787; 1789; 1791; 1793; 1795; 1797; 1799; 1801; 1803; 1805; 1807; 1809; 1811; 1813; 1815; 1817; 1819; 1821; 1823; 1825; 1827; 1829; 1831; 1833; 1835; 1837; 1839; 1841; 1843; 1845; 1847; 1849; 1851; 1853; 1855; 1857; 1859; 1861; 1863; 1865; 1867; 1869; 1871; 1873; 1875; 1877; 1879; 1881; 1883; 1885; 1887; 1889; 1891; 1893; 1895; 1897; 1899; 1901; 1903; 1905; 1907; 1909; 1911; 1913; 1915; 1917; 1919; 1921; 1923; 1925; 1927; 1929; 1931; 1933; 1935; 1937; 1939; 1941; 1943; 1945; 1947; 1949; 1951; 1953; 1955; 1957; 1959; 1961; 1963; 1965; 1967; 1969; 1971; 1973; 1975; 1977; 1979; 1981; 1983; 1985; 1987; 1989; 1991; 1993; 1995; 1997; 1999; 2001; 2003; 2005; 2007; 2009; 2011; 2013; 2015; 2017; 2019; 2021; 2023; 2025; 2027; 2029; 2031; 2033; 2035; 2037; 2039; 2041; 2043; 2045; 2047; 2049; 2051; 2053; 2055; 2057; 2059; 2061; 2063; 2065; 2067; 2069; 2071; 2073; 2075; 2077; 2079; 2081; 2083; 2085; 2087; 2089; 2091; 2093; 2095; 2097; 2099; 2101; 2103; 2105; 2107; 2109; 2111; 2113; 2115; 2117; 2119; 2121; 2123; 2125; 2127; 2129; 2131; 2133; 2135; 2137; 2139; 2141; 2143; 2145; 2147; 2149; 2151; 2153; 2155; 2157; 2159; 2161; 2163; 2165; 2167; 2169; 2171; 2173; 2175; 2177; 2179; 2181; 2183; 2185; 2187; 2189; 2191; 2193; 2195; 2197; 2199; 2201; 2203; 2205; 2207; 2209; 2211; 2213; 2215; 2217; 2219; 2221; 2223; 2225; 2227; 2229; 2231; 2233; 2235; 2237; 2239; 2241; 2243; 2245; 2247; 2249; 2251; 2253; 2255; 2257; 2259; 2261; 2263; 2265; 2267; 2269; 2271; 2273; 2275; 2277; 2279; 2281; 2283; 2285; 2287; 2289; 2291; 2293; 2295; 2297; 2299; 2301; 2303; 2305; 2307; 2309; 2311; 2313; 2315; 2317; 2319; 2321; 2323; 2325; 2327; 2329; 2331; 2333; 2335; 2337; 2339; 2341; 2343; 2345; 2347; 2349; 2351; 2353; 2355; 2357; 2359; 2361; 2363; 2365; 2367; 2369; 2371; 2373; 2375; 2377; 2379; 2381; 2383; 2385; 2387; 2389; 2391; 2393; 2395; 2397; 2399; 2401; 2403; 2405; 2407; 2409; 2411; 2413; 2415; 2417; 2419; 2421; 2423; 2425; 2427; 2429; 2431; 2433; 2435; 2437; 2439; 2441; 2443; 2445; 2447; 2449; 2451; 2453; 2455; 2457; 2459; 2461; 2463; 2465; 2467; 2469; 2471; 2473; 2475; 2477; 2479; 2481; 2483; 2485; 2487; 2489; 2491; 2493; 2495; 2497; 2499; 2501; 2503; 2505; 2507; 2509; 2511; 2513; 2515; 2517; 2519; 2521; 2523; 2525; 2527; 2529; 2531; 2533; 2535; 2537; 2539; 2541; 2543; 2545; 2547; 2549; 2551; 2553; 2555; 2557; 2559; 2561; 2563; 2565; 2567; 2569; 2571; 2573; 2575; 2577; 2579; 2581; 2583; 2585; 2587; 2589; 2591; 2593; 2595; 2597; 2599; 2601; 2603; 2605; 2607; 2609; 2611; 2613; 2615; 2617; 2619; 2621; 2623; 2625; 2627; 2629; 2631; 2633; 2635; 2637; 2639; 2641; 2643; 2645; 2647; 2649; 2651; 2653; 2655; 2657; 2659; 2661; 2663; 2665; 2667; 2669; 2671; 2673; 2675; 2677; 2679; 2681; 2683; 2685; 2687; 2689; 2691; 2693; 2695; 2697; 2699; 2701; 2703; 2705; 2707; 2709; 2711; 2713; 2715; 2717; 2719; 2721; 2723; 2725; 2727; 2729; 2731; 2733; 2735; 2737; 2739; 2741; 2743; 2745; 2747; 2749; 2751; 2753; 2755; 2757; 2759; 2761; 2763; 2765; 2767; 2769; 2771; 2773; 2775; 2777; 2779; 2781; 2783; 2785; 2787; 2789; 2791; 2793; 2795; 2797; 2799; 2801; 2803; 2805; 2807; 2809; 2811; 2813; 2815; 2817; 2819; 2821; 2823; 2825; 2827; 2829; 2831; 2833; 2835; 2837; 2839; 2841; 2843; 2845; 2847; 2849; 2851; 2853; 2855; 2857; 2859; 2861; 2863; 2865; 2867; 2869; 2871; 2873; 2875; 2877; 2879; 2881; 2883; 2885; 2887; 2889; 2891; 2893; 2895; 2897; 2899; 2901; 2903; 2905; 2907; 2909; 2911; 2913; 2915; 2917; 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3253; 3255; 3257; 3259; 3261; 3263; 3265; 3267; 3269; 3271; 3273; 3275; 3277; 3279; 3281; 3283; 3285; 3287; 3289; 3291; 3293; 3295; 3297; 3299; 3301; 3303; 3305; 3307; 3309; 3311; 3313; 3315; 3317; 3319; 3321; 3323; 3325; 3327; 3329; 3331; 3333; 3335; 3337; 3339; 3341; 3343; 3345; 3347; 3349; 3351; 3353; 3355; 3357; 3359; 3361; 3363; 3365; 3367; 3369; 3371; 3373; 3375; 3377; 3379; 3381; 3383; 3385; 3387; 3389; 3391; 3393; 3395; 3397; 3399; 3401; 3403; 3405; 3407; 3409; 3411; 3413; 3415; 3417; 3419; 3421; 3423; 3425; 3427; 3429; 3431; 3433; 3435; 3437; 3439; 3441; 3443; 3445; 3447; 3449; 3451; 3453; 3455; 3457; 3459; 3461; 3463; 3465; 3467; 3469; 3471; 3473; 3475; 3477; 3479; 3481; 3483; 3485; 3487; 3489; 3491; 3493; 3495; 3497; 3499; 3501; 3503; 3505; 3507; 3509; 3511; 3513; 3515; 3517; 3519; 3521; 3523; 3525; 3



20 577; 579; 8 SUMMARY (1941). CONSTITUTIONAL  
 LAW, §682 REQUIREMENT THAT INCARCERATED APPEAL-  
 ANTS' PRISON PAY BE APPLIED TO REIMBURSE COST WA.  
 "UNCONSTITUTIONAL DENIAL OF EQUAL PROTECTION"  
 ON THE "RIGHTS IN FEDERAL COURTS" SEE "HARDY  
 V. UNITED STATES" (1964) 375 U.S. 277; 84 S.Ct. 421  
 426; 11 L.Ed.2d 331; 334; 78 HARV. L. REV. 26  
 ON THE "RIGHT IN HABEAS CORPUS PROCEEDING," SEE  
 "GARNER V. CALIFORNIA" (1969) 393 U.S. 367 89 S.Ct.  
 580; 21 L.Ed.2d 601; "WANE V. WILSON" (1971)  
 396 U.S. 282; 90 S.Ct. 501; 24 L.Ed.2d 470; CF  
 "NORVELL V. ILLINOIS" (1963) 373 U.S. 420; 83 S.Ct.  
 1366; 10 L.Ed.2d 456 [RULE INAPPLICABLE WHERE  
 REPORTER DIED] AND "NOTES NOT TRANSCRIBABLE";  
 "UNITED STATES V. MACDONALD" (1976) 426 U.S.  
 317; 96 S.Ct. 2086; 2088; 48;  
 C. FURTHER REVIEW IN UNITED STATES SUPREME COURT

WHERE A "CLAIM IS MADE" OF "DENIAL" OF A "FEDERAL  
 CONSTITUTIONAL RIGHT" SUCH AS "DUE PROCESS" & "EQUAL  
 PROTECTION" OR THE BAR AGAINST "CRUEL AND UNUSUAL  
 PUNISHMENT" THE "ISSUE" MAY BE "RAISED" UNDER  
 "CERTAIN CIRCUMSTANCES" IN THE "UNITED STATES SUPREME  
 COURT" BY "APPEAL" OR "CERTIORARI" AFTER "AFFIRMA-  
 CE" OF A "CONVICTION" OR OTHER "EXHAUSTION OF  
 REMEDIES IN THE STATE COURT OR THE LOWER FEDERAL  
 COURTS." (SEE GENERALLY 11 STANF. L. REV. 74; 98.

(CONTINUED ON PAGE 3)

## C. "FURTHER REVIEW IN UNITED STATES SUPREME COURT"

(CONTINUED FROM PAGE #2) B193456

1D7; 114; 121; 134; 70 HARV. L. REV. 1; 74 HARV. L. REV. 1315; 76 HARV. L. REV. 441; 1253; 77 HARV. L. REV. 140; 25 U.C.L.A. L. REV. 1301; C.E. 2<sup>ND</sup> APPEALS AND WRITS IN CRIMINAL CASES, § 3.1 ET SEQ. "TOWNSEND V. SAIN" (1963) 372 U.S. 293; 83 S. Ct. 745; 9 L. Ed. 2d 770; "FAY V. NOIA" (1963) 372 U.S. 391; 83 S. Ct. 822; 9 L. Ed. 2d 837 [CASES HAS BEEN LIMITED BY LATER DECISIONS; SEE 6 CAL. CRIM. LAW 13d, "CRIMINAL WRITS," § 27]; "SMITH V. TEAGER" (1968) 393 U.S. 122; 89 S. Ct. 277; 279; 21 L. Ed. 2d 246; 25D [FAILURE TO DEMAND EXEMPTORY HEARING BEFORE "TOWNSEND" DECIDED DID NOT BAR DEMAND AFTER DECISION]; ON<sup>TH</sup> REVIEW OF "STATE DETERMINATION OF HARMLESS ERROR" SEE "FAY V. CONNECTICUT" (1963) 375 U.S. 85; 84 S. Ct. 229; 230 11 L. Ed. 2d 171; 173; 6 CAL. CRIM. LAW 13d "REVERSIBLE ERROR," § 9; "CHAPMAN V. CALIFORNIA" (1967) 386 U.S. 18; 87 S. Ct. 824; 826; 17 L. Ed. 2d 705; 708; 6 CAL. CRIM. LAW 13d, "REVERSIBLE ERROR," § 10; 20 STANF. L. REV. 83; ON<sup>TH</sup> RETROACTIVITY. SEE "UNITED STATES V. UNITED STATES COIN & CURRENCY" (1971) 401 U.S. 715; 91 S. Ct. 1091; 1095; 28 L. Ed. 2d 434; 440;

## IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

## SECOND APPELLATE DISTRICT

DIVISION B

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff and Respondent,

vs.

KENNETH W. MILLS

Defendant and Appellant.

2d Crim. No. B193456(Super. Ct. No. VA 088677)

## O R D E R

Re: AUGMENTATION

☐ Appellant's motion to augment the record on appeal is granted. The record on appeal is ordered augmented with:☐ document(s) filed with the motion to augment as [exhibit(s)] \_\_\_\_\_;☐ trial court exhibit(s) \_\_\_\_\_;☐ the superior court file;☐ the transcripts described below.☐ The clerk of the superior court is ordered to have prepared (an) augmented reporter's transcript(s) of the following:

	REPORTER'S NAME	DEPT.	DATE	NATURE OF PROCEEDINGS
1.	LINDA PERALTA	SES	11-2-05	COMPETENCY PROCEEDINGS PC 1368
2.	LINDA PERALTA	SES	11-02-05	NO COMPETENCY PROCEEDINGS WERE HELD THE DATE CRIMINAL PROCEEDING FOR CASE #VA088677 LIAR NATURE OF PROCEEDINGS IS WRONG. TRYING TO MISLEAD THE COURT OF APPEAL Mills B193456
3.				
4.				

☐ see additional page(s)☐ The clerk of the superior court is ordered to prepare an augmented clerk's transcript consisting of the following:

	DATE	DOCUMENT DESCRIPTION
1.		
2.		
3.		
4.		

☐ see additional page(s)

☐ An original and \_\_\_\_\_ copies of the above transcripts are to be prepared within 30 days of this order. No requests for extensions of time will be granted. THE ORIGINAL AND ALL COPIES OF SEALED PROCEEDINGS ARE TO BE SENT TO THE COURT OF APPEAL ONLY. Otherwise, the original is to be delivered to the Court of Appeal, one copy to the Attorney General, and one copy to each party listed below:

☐ Appellant's opening brief is to be filed within \_\_\_\_\_ days of the filing of the augmented record.☐ This Order continues on \_\_\_\_\_ additional page(s).

Date

Presiding Justice

170936

11



SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPARTMENT S

HON. LARRY S. KNUPP, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA )

PLAINTIFF, )

VS. )

NO.: VA088677

KENNETH MILLS,

AUGMENT TRANSCRIPT

DEFENDANT. )

AFFIDAVIT

I, LINDA R. PERALTA, DO HEREBY CERTIFY THAT:


I AM AN OFFICIAL REPORTER OF THE SUPERIOR  
COURT OF THE STATE OF CALIFORNIA, FOR THE COUNTY OF LOS  
ANGELES;

THAT ON THE 1ST DAY OF JUNE, 2007, I RECEIVED A  
NOTICE TO REPORTER TO PREPARE AUGMENT OF TRANSCRIPT ON  
APPEAL IN THE ABOVE-ENTITLED ACTION;

THERE WERE NO PROCEEDINGS HELD ON THE DATE OF  
NOVEMBER 11, 2005, IN THE ABOVE-MENTIONED CASE ON THE  
RECORD.

I CERTIFY UNDER PENALTY OF PERJURY THAT THE  
FOREGOING IS TRUE AND CORRECT.

DATED THIS 22ND DAY OF JUNE, 2007.

  
LINDA R. PERALTA, CSR 9269  
OFFICIAL

I: 8D3



111

*Failure to report that re-appeal attorney  
refused to get on phone with entire case  
in transcript. I have done so at time of trial  
Ref 14 080836 110044 Kenneth Mills B693486*



MS. CHERYL LATZ:

I RECEIVED YOUR LETTER TODAY FROM ME ASKING  
FOR HELP INTO RECEIVING MY CRIMINAL TRIAL TRAN-  
SCRIPTS OF CRIMINAL CASE NO. VAO88677 APPEAL # B19456.  
IN YOUR RESPONSE YOU STATED THAT YOU WEREN'T  
TRYING TO MIS-LEAD.

I WANT TO RESPOND TO YOUR LAST LETTER.  
1ST. I'M REQUESTING YOUR STATE BAR NUMBER (BEFORE  
WRITING THE STATE BAR ASSOCIATION OF CALIFORNIA)

2ND. YOU STATED THAT YOU'RE NOT TRYING TO MIS-LEAD ME.

3RD. TELL ME HOW MY APPEAL ATTORNEY CAN RECEIVE A  
COPY OF MY CRIMINAL TRANSCRIPTS (VAO88677) AND THE  
DEFENDANT WAS NOT ALLOWED TO REQUEST A COPY  
OF COURT TRANSCRIPTS FOR APPEAL.

4TH. I'M AGAIN REQUESTING FROM YOU TO RECEIVE FROM  
COMPUTER THE COMPUTER RECORDS FOR CRIMINAL CASE  
NO. VAO88677 (CONSTITUTIONAL VIOLATIONS - TRUST AS STUPID AS BELIEVED)

5TH. YOU ALSO STATE (AS ATTORNEY) IF I NEEDED CERTAIN  
PARTS MY ATTORNEY MIGHT BE ABLE TO COPY A FEW PAGES  
AND SEND THEM TO ME. WHY CAN'T MY ATTORNEY COPY  
ENTIRE TRANSCRIPT (CASE VAO88677) AND SEND THEM TO ME?

6TH. HOW DID MY APPEAL ATTORNEY GET A COPY OF MY CRIMINAL  
TRANSCRIPTS AND I'M NOT ALLOWED COPY? (BUT NOT CONSTITUTION VIOL)

7TH. I'M SAVING LAST CORRESPONDENCE AND USING AS EXHIBIT  
FOR MY CIVIL CASE (UNITED STATES DISTRICT COURT FOR THE  
CENTRAL DISTRICT OF CALIFORNIA - 42 U.S.C. § 1983 CIVIL

~~ENCL 51A~~  
KENNETH MILLS

"APPELLATE"

"SALINAS VALLEY STATE PRISON"

"125 ALDER STREET"

"SOLEMA CA, 93960"

"HONORABLE PRESTINE JUSTICE LANNANCE COOPER"

AND "HONORABLE ASSOCIATE JUSTICES"

"COURT OF APPEALS"

"SECOND DISTRICT" "DIVISION EIGHT"

"300 S. SPRING STREET, SECOND FLOOR"

"LOS ANGELES, CA, 90013"

RE: "PEOPLE V. KENNETH MILLS"

"COURT OF APPEAL NO. B193456"

"APPELLATE" RESPECTFULLY REQUEST PERMISSION  
TO FILE THIS "CORRESPONDENCE" AND TO  
SUBMIT 121 EXHIBIT (A-CBEE)

"APPELLATE" NOW STATES OF BEING HELD IN GALL  
IMPRISONED NOW 1851 DAYS FROM "RESPONDANT" "DATE"  
(RESPONDANT'S BRIEF)

"RESPONDENT" ALSO RESPECTFULLY REQUESTS TO BE  
VIEWED WITH "ASSEMBLY BILL 1302" (TO BE  
PENALTIES EVERY DAY THAT APPELLATE HAS BEEN  
INCARCERATED

ATTORNEY BRAJENH

SINCE YOUR ATTORNEY HANDLING MY CRIMINAL CASE (VA088677) ON APPEAL #B193456 IN AGAIN REQUESTING TO BE PROVIDED WITH MY CRIMINAL COURT TRANSCRIPTS FROM THE DATE OF NOVEMBER 2ND 2005 (REQUESTING WHY SHE I HAS HEARING ~~will be seen~~ ~~psychotic~~) I MADE A PERSONAL COURT APPEARANCE TO NORWALK SUPERIOR COURT FOR CASE NUMBER VA088677. PRESIDING JUDGE WAS LARRY KNAPP. A COURT REPORTER WAS PRESENT DURING THE PROCEEDINGS. THE COURT REPORTER TRANSCRIBED THE PROCEEDINGS HELD ON NOVEMBER 02ND 2005. (THERE ALSO IS COPIED RECORDS FOR THAT DATE.) THIS IS THE DATE OF MY CRIMINAL PROCEEDINGS OF CRIMINAL CASE VA088677. THIS ALSO IS DATE OF STOPPAGE OF MY CRIMINAL TRIAL VA088677.

MY TRANSCRIPTS OF NOVEMBER 02ND 2005 WILL SHOW MY ACTIONS (ALONG WITH COMPUTER RECORD - THAT I SOME HOW HAVE A COPY BUT RECORDS ARE NOT OFFICIAL IN COURT FOR REASON STOPPING TRIAL (VA088677) ALSO REQUESTING THE JUDGE MUST RECORD THAT DOUBT ONE OF THE

CONTINUES ON PAGE 27



"AUGUST 21st 2007" EXCERPT 14

"PAGE 21"

"ILLEGALLY IMPRISONED." THE "APPELLATE" IS REQUESTING FOR THE COURT TO GO THROUGH THE "ENTIRE" "CRIMINAL TRANSCRIPTS" / "REPORTER'S" NOTES FOR "CRIMINAL CASE # VAO88677."

"APPELLATE" HAS "CONSTANTLY" TRIED TO HELP HIMSELF. (SEE "CALIFORNIA APPELLATE ~~APPELLATE~~ PROJECT" SUBMITTED WITH THIS REQ-

UEST) ALSO SEE "BRIEF SUBMITTED BY COUNSEL (ALLEGEDLY) "THIS BRIEF" DON'T HAVE SIGNATURE BY A "CLERK" OR "DEPUTY CLERK" OF THE COURT."

(MAKING BRIEF UNLAWFUL) ALSO SEE IN "BRIEF" THE "DATE OF NOVEMBER 11th 2005." "THE DATE IS "NOT CORRECT" THE DATE IS TO BE "NOVEMBER 22 2007

ONE DAY BEFORE MY BIRTHDAY (NOV. 3RD 1957) IS WHEN "DISTRICT ATTORNEY (DEPUTY) "STATED IN COURT" "I DON'T THINK HE'S COMPETENT" JUDGE

"I COMMITTED NO UNLAWFUL CONDUCT IN MY "CRIMINAL TRIAL" (VAO88677) WHEN (NOV. 2 2005 "DEPUTY DISTRICT MADE STATEMENT."

"APPELLATE" "RESPECTFULLY REQUESTS ENTIRE COURT "FILE VAO88677 GOING THROUGH BY THE COURT OF APPEALS

... Kenneth Wells ...



Name

KENNETH W. MILLS

Address

SALINAS VALLEY STATE PRISON

POST OFFICE BOX-1050

SOLEDAD, CALIFORNIA 93960

CDC or ID Number

T-19095

COURT OF APPEAL - SECOND DISTRICT

MC-275

JUN 28 2007

JOSEPH A.

Deputy

B200127

KENNETH WAYNE MILLS	
Petitioner	vs.
PEOPLE OF STATE OF CALIFORNIA	
Respondent	(CALIFORNIA)

## PETITION FOR WRIT OF HABEAS CORPUS

No.

B-193456

(To be supplied by the Clerk of the Court)

B-193456

B192141 8/11

B192165 8/11

B193456 8/11

B193530 8/11

## INSTRUCTIONS—READ CAREFULLY

- If you are challenging an order of commitment or a criminal conviction and are filing this petition in the Superior Court, you should file it in the county that made the order.
- If you are challenging the conditions of your confinement and are filing this petition in the Superior Court, you should file it in the county in which you are confined.
- Read the entire form before answering any questions.
- This petition must be clearly handwritten in ink or typed. You should exercise care to make sure all answers are true and correct. Because the petition includes a verification, the making of a statement that you know is false may result in a conviction for perjury.
- Answer all applicable questions in the proper spaces. If you need additional space, add an extra page and indicate that your answer is "continued on additional page."
- If you are filing this petition in the Superior Court, you need file only the original unless local rules require additional copies. Many courts require more copies.
- If you are filing this petition in the Court of Appeal, file the original and four copies of the petition and, if separately bound, one copy of any supporting documents.
- If you are filing this petition in the California Supreme Court, file the original and ten copies of the petition and, if separately bound, two copies of any supporting documents.
- Notify the Clerk of the Court in writing if you change your address after filing your petition.
- In most cases, the law requires service of a copy of the petition on the district attorney, city attorney, or city prosecutor. See Penal Code section 1475 and Government Code section 72193. You may serve the copy by mail.

Approved by the Judicial Council of California for use under rule 8.380 of the California Rules of Court (as amended effective January 1, 2007). Subsequent amendments to rule 8.380 may change the number of copies to be furnished to the Supreme Court and Court of Appeal.

Page 1 of 1

SINCE YOUR ATTORNEY HANDLING  
 MY CRIMINAL CASE (VA088677) ON APPEAL  
 # B193456 IN AGAIN REQUESTING TO BE  
 PROVIDED WITH MY CRIMINAL COURT TRANS-  
 CRIPTS FROM THE DATE OF NOVEMBER 12  
 2ND 2005 (REQUESTING WHY SHE I HAVE ANY ~~NOT~~ <sup>COUSIN</sup> ~~NOT~~ <sup>PSYCHOLOGICAL</sup>  
 I MADE A PERSONAL COURT APPEAR-  
 NCE TO NORWALK SUPERIOR COURT FOR CASE  
 NUMBER VA088677. PRESIDING JUDGE WAS  
 "LARRY KNAPP" A COURT REPORTER WAS RE-  
 SENT DURING THE PROCEEDINGS (VA088677)  
 "REPORTER TRANSCRIBED" THE PROCEEDINGS HE  
 ON NOVEMBER 02ND 2005. (THERE ALSO IS COMPUTER  
 RECORDS FOR THAT DATE)  
 THIS IS THE DATE OF MY CRIMINAL PRO-  
 CEEDINGS OF CRIMINAL CASE VA088677  
 THIS ALSO IS DATE OF STOPPAGE OF MY  
 CRIMINAL TRIAL VA088677  
 MY TRANSCRIPT OF NOVEMBER 02ND 2005 WILL  
 SHOW MY ACTIONS (ALONG WITH COMPUTER  
 RECORD - THAT I SOME HOW HAVE A COPY BUT  
 RECORDS ARE NOT OFFICIAL IN COURT FOR REASON  
 STOPPAGE TRIAL (VA088677) ALSO REQUESTING  
 THE JUDGE MUST RECORD THAT DO NOT ON THE  
 11-226 (P. 1) CONTINUED ON PAGE 19

COUNT 4: THE FOLLOWING CIVIL RIGHTS HAVE BEEN VIOLATED:

"JUDGE LARRY KNAPP" WAS PRESIDING JUDGE NOVEMBER 02 2005 AND UNLAWFULLY PUT A HALL TO MY CRIMINAL PROCEEDINGS. (VA088677)

ON NOVEMBER 02ND 2005 I MADE COURT APPEARANCE FOR CRIMINAL CASE (VA088677) IN SUPERIOR COURT OF CALIFORNIA - NORWALK COURT HOUSE - DEPARTMENT T.

JUDGE "LARRY KNAPP" PRESIDING AND DEFENDANT (MILLS) WAS APPEARING UNDER "PROPRIA - PERSONA" STATUS. AT THE TIME DEFENDANT (MILLS) HAD A WAITED 157 DAYS FOR CONSTITUTIONAL 601 DAYS FOR SPEEDY TRIAL.

THE JUDGE ASKED THE DEFENDANT (MILLS) IF HE WAS READY TO GO TO TRIAL. DEFENDANT (MILLS) STATED: "YES" AND YOU HAVE THREE (3) DAYS TO GET ME INTO MY CONSTITUTIONAL SPEEDY TRIAL.

THE "DISTRICT ATTORNEY" STATED: I DON'T THINK I AM COMPETENT, I HATE "DEPUTY DISTRICT ATTORNEY" WHICH MADE THIS STATEMENT. JUDGE KNAPP SUSPENDED PROCEEDINGS UNDER PENAL CODE § 1368.

I MADE NO UNLAWFUL ACTIONS. THERE WAS NOT A LAWFUL REASON FOR SUPERIOR COURT JUDGE KNAPP TO HALLT PROCEEDINGS UNDER PENAL CODE SECTION § 1368 AND COURT RECORDS WILL SHOW BEYOND A DOUBT WHO'S RIGHT AND WHO'S WRONG.

60580

Exhibit CWA

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT, DIVISION EIGHT

\_\_\_\_\_  
)  
**THE PEOPLE OF THE STATE OF CALIFORNIA,** )

Plaintiff and Respondent, )

v. )

**KENNETH W. MILLS,**

Defendant and Appellant. )

) Court of Appeal

) No. B193456

) Los Angeles County

) Superior Court

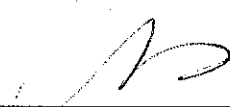
) No. VA088677

\_\_\_\_\_  
**DECLARATION OF SALLY P. BRAJEVICH IN SUPPORT OF  
SECOND MOTION TO AUGMENT RECORD ON APPEAL**

SALLY P. BRAJEVICH declares under penalty of perjury:

I am the attorney appointed to represent appellant Kenneth W. Mills for this appeal. All of the factual statements made in this second motion to augment the record are true and correct to the best of my knowledge. The materials sought to be included in the record are necessary for a proper determination of the appeal and to perfect the record on appeal per counsel's duty.

Executed on October 11, 2007, at San Pedro, California.

  
\_\_\_\_\_  
SALLY P. BRAJEVICH  
Attorney for Appellant  
KENNETH W. MILLS

230R36



OCT 22 2007

20F65

Exhibit 78641  
7(2)  
KMY

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT, DIVISION EIGHT

\_\_\_\_\_  
THE PEOPLE OF THE STATE OF CALIFORNIA, )

Plaintiff and Respondent, )

v. )

KENNETH W. MILLS, )

Defendant and Appellant. )

) Court of Appeal

) No. B193456

) Los Angeles County

) Superior Court

) No. VA088677

\_\_\_\_\_  
APPEAL FROM THE JUDGMENT OF  
THE SUPERIOR COURT OF LOS ANGELES COUNTY  
THE HONORABLE LARRY S. KNUPP AND CYNTHIA RAYVIS JUDGES

\_\_\_\_\_  
SECOND MOTION TO AUGMENT THE RECORD ON APPEAL

SALLY P. BRAJEVICH  
1379 Park Western Drive, # 316  
San Pedro, California 90732  
Telephone: (310) 832-9385  
Fax: (310) 832-9684  
State Bar No. 161863

Attorney for Appellant  
KENNETH W. MILLS

240F36

13173476 EXHIBIT (13) 14  
540785

## IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

## SECOND APPELLATE DISTRICT, DIVISION EIGHT

---

**THE PEOPLE OF THE STATE OF CALIFORNIA,**

Plaintiff and Respondent,

v.

**KENNETH W. MILLS,**

Defendant and Appellant.

---

)

)

) Court of Appeal

) No. B193456

)

) Los Angeles County

) Superior Court

) No. VA088677

)

)

APPEAL FROM THE JUDGMENT OF  
THE SUPERIOR COURT OF LOS ANGELES COUNTY  
THE HONORABLE LARRY S. KNUPP AND CYNTHIA RAYVIS JUDGES

---

**MOTION TO AUGMENT THE RECORD ON APPEAL**

(60571)

SALLY P. BRAJEVICH  
1379 Park Western Drive, # 316  
San Pedro, California 90732  
Telephone: (310) 832-9385  
Fax: (310) 832-9684  
State Bar No. 161863

Attorney for Appellant  
KENNETH W. MILLS

220736

50F85

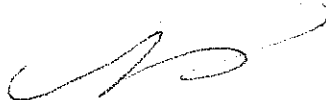
Appellate counsel is required to raise all arguable issues on appeal and to perfect the record. (*In re Smith* (1970) 3 Cal.3d 192.) Inclusion of the requested material is needed to effectively represent appellant, and to fully address the issues in this case. (*People v. Gaston* (1978) 20 Cal.3d 476; *People v. Silva* (1978) 20 Cal.3d 489.) It is respectfully requested that this Court order the record on appeal augmented with the transcripts of the proceedings documents as detailed herein.

### CONCLUSION

For the reasons set forth above, appellant respectfully requests that the second motion to augment be granted.

Dated: **October 11, 2007**

Respectfully submitted,



SALLY P. BRAJEVICH  
Attorney for Appellant

260F36

40F85

B193456

(151)  
644

## IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

## SECOND APPELLATE DISTRICT, DIVISION EIGHT

---

**THE PEOPLE OF THE STATE OF CALIFORNIA,**

Plaintiff and Respondent,

v.

**KENNETH W. MILLS,**

Defendant and Appellant.

)

)

) Court of Appeal

) No. B193456

)

) Los Angeles County

) Superior Court

) No. VA088677

)

)

## I.

**SECOND MOTION TO AUGMENT  
THE RECORD ON APPEAL**

Appellant respectfully requests pursuant rules 8.155 and 8.324 of the California Rules of Court for an order augmenting the record on appeal as specified herein. Appellate counsel has made one previous request for augmentation. Appellant requests the following:

- 1) Reporter's Transcript of **November 2, 2005**, Southeast Dept. SES, Judge Larry S. Knupp, Reporter Linda Peralta, where the prosecutor declared a doubt as to appellant's mental competency pursuant to Penal Code section 1368, and criminal proceedings were suspended.

The failure to appoint counsel for a pro per defendant when a doubt has been declared as to his competency under Penal Code, section 1368, is reversible error. (*People v. Jennan* (2007) 148 Cal.App.4th 1144.) This issue had been raised in the briefs. In the initial augment motion the date was listed as November 11, 2005.

The date is actually November 2, 2005.

pg 42 & 44 DON'T MATCH UP!  
Kenneth Mills T-18085  
D-4/13/12  
10-17-07

200436 Oct. 11th 2005



40F85

8173456 EXIBIT 1061A

## IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

## SECOND APPELLATE DISTRICT, DIVISION EIGHT

---

**THE PEOPLE OF THE STATE OF CALIFORNIA,** )

Plaintiff and Respondent, )

v. )

**KENNETH W. MILLS,** )

Defendant and Appellant. )

) Court of Appeal

) No. B193456

) Los Angeles County

) Superior Court

) No. VA088677

## I.

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~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~

pg 42 & 44 don't match up!  
 Kenneth Mills F-18085  
 D-4/1814  
 10-17-07

190F36

**SALLY P. BRAJEVICH**

Attorney at Law  
1379 Park Western Drive, #316  
San Pedro, California 90732  
Telephone: (310) 832-9385  
Fax: (310) 832-9684

August 16, 2007

**LEGAL MAIL****Privileged Attorney-Client Communications**

Mr. Kenneth W. Mills T-19095  
Salinas Valley State Prison D2-122L  
P.O. Box 1050  
125 Alder Street  
Soledad, CA 93960

Re: *People v. Kenneth W. Mills*  
Court of Appeal No. B193456  
Superior Court No. VA088677

Dear Mr. Mills:

You have requested a copy of the reporter's transcripts and clerk's transcripts for the following dates:

(1) November 2, 2005:

*I DO NOT HAVE AN AFFIDAVIT ON THIS DATE*  
Enclosed is an affidavit from the court reporter stating there was no reporter's transcript on this date, along with the clerk's transcript of this date. (Affidavit: 1CT 48-49.)

(2) November 11, 2005:

*NO HEARING 2007 THERE WAS NO PROCEEDINGS NOT NOV 11, 2005*  
There was no hearing on this date. The clerk's notes indicate the proceedings were continued from November 11, 2005, until December 28, 2005.

(3) June 6, 2006:

The reporter's transcript and clerks transcript from this date are enclosed. (1CT 263-266; 3RT 418-474.)

(4) February 8, 2006:

The reporter's transcript and clerk's transcript from this date are enclosed. (Supp. RT C3-C14; 1CT 53-54.)

(5) August 28, 2006:

You were sentenced in this case on June 28, 2008. I did not receive any records after that date.

You mentioned you wanted a case returned to you. Please provide me the name of the case, and I will return it to you. In the future, you should keep a copy of anything you send me.

270936

1419044/4

**SALLY P. BRAJEVICH**

Attorney at Law  
1379 Park Western Drive, #316  
San Pedro, California 90732  
Telephone: (310) 832-9385  
Fax: (310) 832-9684

October 11, 2007

**LEGAL MAIL****Privileged Attorney-Client Communications**

Mr. Kenneth W. Mills T-19095  
Salinas Valley State Prison D2-122L  
P.O. Box 1050  
125 Alder Street  
Soledad, CA 93960

Re: *People v. Kenneth W. Mills*  
Court of Appeal No. B193456  
Superior Court No. VA088677

Dear Mr. Mills:

Enclosed is a copy of the second motion to augment which was filed in the Court of Appeal. I am also returning several items you sent me which I have copied. With respect to your request for the transcripts, I already sent you the portion of the transcripts you requested. The entire transcripts will be sent to you as soon as the appeal has concluded. In the meantime I need the transcripts to prepare the appeal.

After the Court of Appeal issues an opinion, I generally file a Petition for Review with the California Supreme Court. This allows the California Supreme Court to consider the issues the appellant lost. It also "exhausts" the issues, allowing the defendant to proceed to federal court on his own with these issues. Only claims which have been presented to the California Supreme Court may be raised in a federal habeas petition. If you would prefer to file your own Petition for Review, instead of having me do so, you may. Please write back and tell me your preference. Keep in mind you only have 40 days from the date of the opinion to file the Petition for Review. This deadline may not be extended. The time frame is tight when the appellant is in prison due to limited access to the prison law library, and delays in mailing the opinion and the records to and from the prison. It is usually easier and faster for me to file the petition. I will do whatever you prefer.

Very truly yours,

  
SALLY P. BRAJEVICH

Enclosure

280F56

**SALLY P. BRAJEVICH**

Attorney at Law  
1379 Park Western Drive, #316  
San Pedro, California 90732  
Telephone: (310) 832-9385  
Fax: (310) 832-9684

November 9, 2007

**LEGAL MAIL**

**Privileged Attorney-Client Communications**

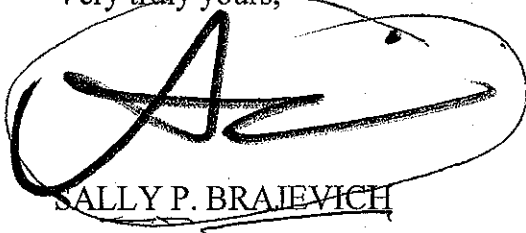
Mr. Kenneth W. Mills T-19095  
Salinas Valley State Prison D2-122L  
P.O. Box 1050  
125 Alder Street  
Soledad, CA 93960

Re: *People v. Kenneth W. Mills*  
Court of Appeal No. B193456  
Superior Court No. VA088677

Dear Mr. Mills:

I received your recent letter. As you are aware, I have already sent you the portion of the records you requested. I understand that you want the entire transcripts. However, as I have told you repeatedly, I need the records to prepare your appeal.

Very truly yours,



SALLY P. BRAJEVICH



# AB 1302 ASSEMBLY BILL

## "CHAPTERED - "BILL TEXT"

"CHAPTER 475" "BID A DAY FOR EVERY ILLIGAL EMPLOYEE"

"FILED WITH SECRETARY OF STATE SEPT. 22, 03"

"APPROVED BY GOVERNOR" "SEPT. 22, 03"

"PASSED THE SENATE" "SEPT. 12, 03"

"PASSED THE ASSEMBLY" "SEPT. 13, 03"

"AMENDED IN SENATE" "SEPT. 12, 03"

"AMENDED IN SENATE" "JULY 09, 03"

"AMENDED IN ASSEMBLY" "APRIL 22, 03"

(INTRODUCED BY ASSEMBLY

MEMBER "SIMITIAN - "PRINCE

COALITION: "SENATOR SHER")

(NO. 2) "FEBRUARY 21 2003"

AN ACT RELATIVE TO THE PAYMENT OF CLAIMS AGAINST THE STATE, MAKER

AN "APPROPRIATION" THEREOF, AND "DECLARING" THE EMERGENCY THEREOF AND TAKE EFFECT IMMEDIATELY.

MC-275

KENNETH WAINE MILLS  
 Address "SACRAMENTO VALLEY STATE PRISON"  
"125 ALLER STREET"  
"SOLEDA, CALIFORNIA 95960"  
 CDC or ID Number "T-19095"

RECEIVED

"SACRAMENTO COUNTY SUPERIOR CT."  
"720 9TH STREET"

(Court)

<u>"KENNETH MILLS"</u>	
Petitioner	
vs.	
<u>"GALLEY PATRONE BRAJEVICH"</u>	
Respondent	<u>"ATTORNEY AT LAW"</u>

## PETITION FOR WRIT OF HABEAS CORPUS

No. "DTF03696"  
 (To be supplied by the Clerk of the Court)

"AMENDED"

## INSTRUCTIONS—READ CAREFULLY

- If you are challenging an order of commitment or a criminal conviction and are filing this petition in the Superior Court, you should file it in the county that made the order.
- If you are challenging the conditions of your confinement and are filing this petition in the Superior Court, you should file it in the county in which you are confined.
- Read the entire form *before* answering any questions.
- This petition must be clearly handwritten in ink or typed. You should exercise care to make sure all answers are true and correct. Because the petition includes a verification, the making of a statement that you know is false may result in a conviction for perjury.
- Answer all applicable questions in the proper spaces. If you need additional space, add an extra page and indicate that your answer is "continued on additional page."
- If you are filing this petition in the Superior Court, you need file only the original unless local rules require additional copies. Many courts require more copies.
- If you are filing this petition in the Court of Appeal, file the original and four copies of the petition and, if separately bound, one copy of any supporting documents.
- If you are filing this petition in the California Supreme Court, file the original and ten copies of the petition and, if separately bound, two copies of any supporting documents.
- Notify the Clerk of the Court in writing if you change your address after filing your petition.
- In most cases, the law requires service of a copy of the petition on the district attorney, city attorney, or city prosecutor. See Penal Code section 1475 and Government Code section 72193. You may serve the copy by mail.

Approved by the Judicial Council of California for use under Rule 60 of the California Rules of Court [as amended effective January 1, 2005]. Subsequent amendments to Rule 60 may change the number of copies to be furnished to the Supreme Court and Court of Appeal.

Page one of six

APPEAL NO. B13456 (320869)

## Petition concerns:

- ☐ A conviction ☐ Parole
- ☐ A sentence ☐ Credits
- ☐ Jail or prison conditions ☐ Prison discipline

☒ Other (specify):

"ADJUDICATION"

1. Your name:

"KENNETH MILLS"

2. Where are you incarcerated?

"SALINAS VALLEY STATE PRISON"

3. Why are you in custody?



Criminal Conviction



Civil Commitment

Answer subdivisions a. through i. to the best of your ability.

a. State reason for civil commitment or, if criminal conviction, state nature of offense and enhancements (for example, "robbery with use of a deadly weapon").

"MATHEN"

"ASSAULT W/ DEADLY WEAPON"

b. Penal or other code sections:

§ 205

§ 245 (a)(1)

c. Name and location of sentencing or committing court:

"SUPERIOR COURT OF CALIFORNIA"

"LDS. ANGELES COUNTY" - "NORWALK COURT-HOUSE"

d. Case number:

"VAD88677"

e. Date convicted or committed:

"JUNE 06TH 2006"

f. Date sentenced:

"AUGUST 28TH 2006"

g. Length of sentence:

"LIFE" + "16 YEARS"

h. When do you expect to be released?

"NOT KNOWN"

i. Were you represented by counsel in the trial court?



Yes.



No. If yes, state the attorney's name and address:

"N/A"

4. What was the LAST plea you entered? (check one)



Not guilty



Guilty



Nolo Contendere



Other:

5. If you pleaded not guilty, what kind of trial did you have?



Jury



Judge without a jury



Submitted on transcript



Awaiting trial

20085

100789

## 6. GROUNDS FOR RELIEF

Ground 1: State briefly the ground on which you base your claim for relief. For example, "the trial court imposed an illegal enhancement." (If you have additional grounds for relief, use a separate page for each ground. State ground 2 on page four. For additional grounds, make copies of page four and number the additional grounds in order.)

110785  
 "THE TRIAL COURT OVER STEPPED BOUNDRIES"  
 "SPEEDY TRIAL VIOLATIONS" (60 DAYS VIOLATION)  
 "SUPERIOR COURT JUDGE LARRY KNAPP UNLAWFULLY STOPPED COURT PROCEEDINGS FOR PEN. C SECTION §1368"

## a. Supporting facts:

Tell your story briefly without citing cases or law. If you are challenging the legality of your conviction, describe the facts upon which your conviction is based. If necessary, attach additional pages. CAUTION: You must state facts, not conclusions. For example, if you are claiming incompetence of counsel you must state facts specifically setting forth what your attorney did or failed to do and how that affected your trial. Failure to allege sufficient facts will result in the denial of your petition. (See *In re Swain* (1949) 34 Cal.2d 300, 304.) A rule of thumb to follow is: who did exactly what to violate your rights at what time (when) or place (where). (If available, attach declarations, relevant records, transcripts, or other documents supporting your claim.)

"PETITIONER IS SEEKING RELIEF FROM PROCEDURE DEFAULT" AND PETITIONER IS CLAIMING SERIOUS INJURIES (MENTAL & PHYSICAL) DUE TO "ILLEGAL INCARCERATION" THATS "VERY PREJUDICIAL TO APPEAL" (SPEEDY TRIAL VIOLATIONS)  
 "I MADE APPEARANCE" IN "NORWALK SUPERIOR COURT HOUSE" WITH "SUPERIOR COURT JUDGE" (of CALIF.) "LARRY KNAPP PRESIDING" OVER MY "CRIMINAL TRIAL" (CASE NO. VAD00677) "SEPTEMBER 06 2006" (I APPEARED UNDER PROPRIA-PERSONA) (MY "CONSTITUTIONAL RIGHTS TO SPEEDY TRIAL BEGAN" MY "RIGHT TO 60 DAYS TO SPEEDY TRIAL" BEGAN.

"I MADE APPEARANCE" TO "NORWALK COURT HOUSE" (NOVEMBER 02 NO 2005) WITH PRESIDENTIAL JUDGE "LARRY KNAPP" AT THIS TIME THE "DEPUTY DISTRICT ATTORNEY" STATED "I DON'T THINK HE'S COMPETENT JUDGE" (AT THIS TIME APPELLANT MADE "NO UNLAWFUL ACTIONS" TO HAVE "TRIAL STOPPED" JUDGE LARRY KNAPP HAULTED PROCEEDINGS FOR PEN. C §1368.

## b. Supporting cases, rules, or other authority (optional):

(Briefly discuss, or list by name and citation, the cases or other authorities that you think are relevant to your claim. If necessary, attach an extra page.)

"1. FEDERAL CONSTITUTION ISSUE - REVIEW (PETITION)  
 "2. CONSTITUTIONAL RIGHTS TO SPEEDY TRIAL (60-DAYS)  
 "3. CONSTITUTION OF THE UNITED STATES - AMENDMENTS I-VI-VIII-  
 "XIV"; "IMMUNITY OF STATE HOSPITAL VIOLACT"  
 "5. C.R.C. RULE 29-RULE 4.100-RULE NO. 4.110"



7. Ground 2 or Ground

(if applicable):

THE TRIAL COURT / SUPERIOR COURT OF CA. JUDGE CYNTHIA RAY-  
VIE VIOLATED MY CONSTITUTIONAL RIGHT TO "SPEEDY TRIAL";  
FEBRUARY 08TH 2006 I LOGGED A PEN. C § 17D.6 (DISQUALIFIED) AGAINST  
AGAINST SUPERIOR COURT (OF CA.) JUDGE LARRY KNAPP - NORWALK COURTHOUSE

a. Supporting facts:

PETITIONER IS CLAIMING SERIOUS UNLAWFUL ACTIONS ~~AGAINST~~  
SUPERIOR COURT JUDGE CYNTHIA RAYVIE THATS VERY PREJUDICIAL  
TO APPELLANT AND UNLAWFULLY IMPRISONED APPELLATE.

ON FEBRUARY 08TH 2006 APPELLATE MADE APPEARANCE IN THE  
SUPERIOR COURT OF CALIFORNIA - COUNTY OF LOS ANGELES - NORWALK COURT  
HOUSE - SUPERIOR COURT JUDGE CYNTHIA RAYVIE PRESIDING  
OVER MY CRIMINAL CASE NO. VA088677.

APPELLANT HAS AWAITED FIFTY SEVEN (57) DAYS FOR CONSTITU-  
TIONAL (60) DAY SPEEDY TRIAL APPELLATE WAS APPEARING UNDER  
PRO-PR - PERSONA. (PRO-PR - DEFENDING ONESELF IN CRIMINAL  
TRIAL) APPELLATE HAS BEEN TRANSFERRED FROM SUPERIOR COURT  
OF CA. JUDGE LARRY KNAPP COURT ROOM FOR PREJUDICIAL ACTIONS  
COMMITTED AGAINST APPELLATE. APPELLATE FILED A PEN. C SECTION  
§ 17D.6 AND DISQUALIFIED SUPERIOR COURT JUDGE LARRY KNAPP  
FROM HEARING / PRESIDING OVER MY CRIMINAL CASE NO. VA088677.

APPELLATE WAS SENT NEXT DOOR TO SUPERIOR COURT  
JUDGE (OF CA.) CYNTHIA RAYVIE TO CONTINUE MY CRIMI-  
NAL TRIAL. (VA088677) INSTEAD OF CONTINUING FROM 57 TO 60 MY CRIM.  
TRIAL WAS STARTED ANEW. 10-60.

b. Supporting cases, rules, or other authority:

RIGHT TO SPEEDY TRIAL SEE CRIMINAL LAWS § 2080 ET. SEQ. AND  
[FN2] IN RE YUNG (1908) 7 CAL APP 772, 76 P.249  
4267 CALIFORNIA JURISPRUDENCE 3d CRIMINAL LAW: POST-  
TRIAL PROCEEDINGS;

22C CAL. JUR. 3d CRIMINAL LAW: POST TRIAL PROCEEDINGS  
§ 907; CAL RPR. 3d 779, 11D CAL APP 4th 492, PEOPLE V. SMITH (2003)

8. Did you appeal from the conviction, sentence, or commitment? ☒ Yes. ☐ No. If yes, give the following information:

a. Name of court ("Court of Appeal" or "Appellate Dept. of Superior Court"):

"HAVEN'T HEARD"

b. Result

HAVEN'T HEARD

c. Date of decision:

HAVEN'T HEARD

d. Case number or citation of opinion, if known:

B193456

e. Issues raised: (1)

ILLEGAL IMPRISONMENT / P.C. § 1368a Violation

(2)

"NOT GIVEN ATTORNEY FOR COMPETENCY HEARING PER § 1368

(3)

"VIA"

f. Were you represented by counsel on appeal? ☒ Yes. ☒ No. If yes, state the attorney's name and address, if known:

\$ SALLY PATRICK BRATEUCHI (SBN 161863)

9. Did you seek review in the California Supreme Court? ☐ Yes ☐ No. If yes, give the following information:

a. Result

b. Date of decision:

c. Case number or citation of opinion, if known:

d. Issues raised: (1)

(2)

(3)

10. If your petition makes a claim regarding your conviction, sentence, or commitment that you or your attorney did not make on appeal, explain why the claim was not made on appeal:

APPEAL ATTORNEY (SALLY P. BRATEUCHI) REFUSES TO RAISE VIOLATIONS OF SPEEDY TRIAL (60) DAYS

11. Administrative Review:

a. If your petition concerns conditions of confinement or other claims for which there are administrative remedies, failure to exhaust administrative remedies may result in the denial of your petition, even if it is otherwise meritorious. (See *In re Muszalski* (1975) 52 Cal.App.3d 500 [125 Cal.Rptr. 286].) Explain what administrative review you sought or explain why you did not seek such review:

THIS A COURT/APPEAL ISSUE NOT A ADMINISTRATIVE ISSUE!

b. Did you seek the highest level of administrative review available? ☐ Yes. ☐ No.

Attach documents that show you have exhausted your administrative remedies.

12. Other than direct appeal, have you filed any other petitions, applications, or motions with respect to this conviction, commitment, or issue in any court? ☒ Yes. If yes, continue with number 13. ☐ No. If no, skip to number 15.

13. a. (1) Name of court: STATE BAR OF CALIFORNIA  
 (2) Nature of proceeding (for example, "habeas corpus petition"): COMPLAINT (MOTIONS & PETITIONS)  
 (3) Issues raised: (a) (60) DAY SPEEDY TRIAL VIOLATIONS  
 (b) ATTORNEY NOT GIVEN FOR PIE§1368 HEARING  
 (4) Result (Attach order or explain why unavailable): NOT KNOWN - ONE GOING  
 (5) Date of decision: "N/A"
- b. (1) Name of court: "N/A"  
 (2) Nature of proceeding: "N/A"  
 (3) Issues raised: (a) "N/A"  
 (b) "N/A"  
 (4) Result (Attach order or explain why unavailable): Acquitting  
 (5) Date of decision: None

c. For additional prior petitions, applications, or motions, provide the same information on a separate page.

14. If any of the courts listed in number 13 held a hearing, state name of court, date of hearing, nature of hearing, and result:

N/A  
"N/A"

15. Explain any delay in the discovery of the claimed grounds for relief and in raising the claims in this petition. (See *In re Swain* (1949) 34 Cal.2d 300, 304)

APPEAL ATTORNEY SALLY PATRONE BRAJEVICH  
REFUSES TO PLACE IN CRIM. APPEAL (B193456) SPEEDY  
TRIAL VIOLATIONS

16. Are you presently represented by counsel? ☒ Yes. ☐ No. If yes, state the attorney's name and address, if known:

SALLY PATRONE BRAJEVICH - 1379 PARK  
WESTERN DRIVE #16 - SAN PEDRO CALIF. 90732

17. Do you have any petition, appeal, or other matter pending in any court? ☐ Yes. ☒ No. If yes, explain:

"N/A"  
"N/A"

18. If this petition might lawfully have been made to a lower court, state the circumstances justifying an application to this court:

SUPERIOR COURT OF CALIFORNIA - NORWALK SUPERIOR  
COURT - JUDGE LARRY KNEPP & CYNTHIA RAYUS COMMITTED  
VIOLATIONS AGAINST ME

I, the undersigned, say: I am the petitioner in this action. I declare under penalty of perjury under the laws of the State of California that the foregoing allegations and statements are true and correct, except as to matters that are stated on my information and belief, and as to those matters, I believe them to be true.

Date: 10-2007

[Signature]  
 (SIGNATURE OF PETITIONER)

Mr. Kenneth W. Mills

March 5, 2007

Privileged Attorney-Client Communications

2 Appellate Trial Transcript

53-54.) You filed a motion claiming a speedy trial violation on February 24, 2006. (1CT 55.) The courts have determined when criminal proceedings are resumed following a competency evaluation under Penal Code section 1368, the time starts at 0 of 60 again. The clock resets at zero. (Pen. Code, § 1382(a)(2); *People v. Love* (2005) 132 Cal.App.4th 276, 285.) Penal Code section 1382(a)(2) states unless good cause is shown the trial court should dismiss:

Clock Does Not  
Restart

"In a felony case, when a defendant is not brought to trial within 60 days of the defendant's arraignment on an indictment or information, or reinstatement of criminal proceedings pursuant to Chapter 6 (commencing with Section 1367)..."

THIS IS NOT  
RESTARTING  
TRIAL

NOT RESTARTING TRIAL

This means after you were found competent on February 8, 2006, the clock was reset at 0 of 60 and the court had 60 days to try you, on or before April 10, 2006 (which was a Sunday), giving the court until Monday, April 10, 2006, which is when your first trial began. (1CT 70.) Consequently, I am unable to raise this issue on appeal.

I MADE NO MENTION OF THIS

You mentioned the witnesses at trial lied about your statement/gesture that you poked the victim's eyes out with your fingers. This will be a difficult hurdle to overcome on appeal, since the jury heard the testimony against you, found the charges to be proven, and convicted you.

I also received your paperwork indicating you wish to proceed with the appeal despite the risk of a possible adverse consequence. The appeal is proceeding.

You have indicated you do not want me representing you. Unfortunately there is no right to represent yourself on appeal. Please be assured that I am diligently working on your case, and I want the best possible outcome for you.

MADE (4) FOUR REQUESTS FOR MY COURT  
TRANSCRIPTS, ALL REQUESTS DENIED ME

You have also requested a copy of your trial transcripts. I have a copy of the trial transcripts in case number VA088677. You are only provided with one copy which I need to prepare the appeal. There is no right to represent yourself on appeal. If there is a specific witness you would like the testimony from, I can copy a portion of the record for you now. However, I need the transcripts until the state appeal is over. At that time I will promptly sent the records to you.

I cannot provide  
with a copy of  
my trial transcripts  
JUDGE CYNTHIA RA  
REMOVED TO GIVE  
ME COPY - I RECOVER

300836

140661

27025

17044

180822



SPORT ID: TS3030 .701

REPORT DATE: 10/05/07

PAGE NO:

1

CALIFORNIA DEPARTMENT OF CORRECTIONS  
SALINAS VALLEY STATE PRISON  
INMATE TRUST ACCOUNTING SYSTEM  
INMATE TRUST ACCOUNT STATEMENT

FOR THE PERIOD: JUL. 01, 2007 THRU OCT. 05, 2007

ACCOUNT NUMBER : T19095

BED/CELL NUMBER: FDB4T1000000131L

ACCOUNT NAME : MILLS, KENNETH WAYNE

ACCOUNT TYPE: I

PRIVILEGE GROUP: A

## TRUST ACCOUNT ACTIVITY

&lt;&lt; NO ACCOUNT ACTIVITY FOR THIS PERIOD &gt;&gt;

## CURRENT HOLDS IN EFFECT

DATE PLACED	HOLD CODE	DESCRIPTION	COMMENT	HOLD AMOUNT
7/07/2007	H107	POSTAGE HOLD	0721 POST	0.41
7/14/2007	H109	LEGAL POSTAGE HOLD	0804 LPOST	0.41
7/14/2007	H109	LEGAL POSTAGE HOLD	0804 LPOST	0.41
7/14/2007	H118	LEGAL COPIES HOLD	0807 LCOPY	14.80
7/17/2007	H109	LEGAL POSTAGE HOLD	0825 LPOST	1.31
7/17/2007	H109	LEGAL POSTAGE HOLD	0825 LPOST	1.48
7/19/2007	H109	LEGAL POSTAGE HOLD	0856 LPOST	0.92
7/20/2007	H109	LEGAL POSTAGE HOLD	0867 LPOST	4.90
7/20/2007	H109	LEGAL POSTAGE HOLD	0867 LPOST	0.41
7/20/2007	H109	LEGAL POSTAGE HOLD	0867 ENVEL	3.05
7/21/2007	H109	LEGAL POSTAGE HOLD	0875 LPOST	1.31
7/21/2007	H109	LEGAL POSTAGE HOLD	0875 LPOST	0.58
7/25/2007	H109	LEGAL POSTAGE HOLD	0908 LPOST	1.48
7/25/2007	H109	LEGAL POSTAGE HOLD	0908 LPOST	1.48
7/25/2007	H109	LEGAL POSTAGE HOLD	0908 LPOST	1.65
7/26/2007	H109	LEGAL POSTAGE HOLD	0923 LPOST	1.31
7/26/2007	H109	LEGAL POSTAGE HOLD	0923 LPOST	2.84
7/01/2007	H109	LEGAL POSTAGE HOLD	0940 LPOST	2.33
7/03/2007	H109	LEGAL POSTAGE HOLD	0966 LPOST	1.14

## TRUST ACCOUNT SUMMARY

BEGINNING BALANCE	TOTAL DEPOSITS	TOTAL WITHDRAWALS	CURRENT BALANCE	HOLDS BALANCE	TRANSACTIONS TO BE POSTED
0.00	0.00	0.00	0.00	42.22	0.00

CURRENT  
AVAILABLE  
BALANCE

42.22

046136

REPORT ID: TS3030 .701

REPORT DATE: 09/19/07

PAGE NO:

CALIFORNIA DEPARTMENT OF CORRECTIONS  
SALINAS VALLEY STATE PRISON  
INMATE TRUST ACCOUNTING SYSTEM  
INMATE TRUST ACCOUNT STATEMENT

FOR THE PERIOD: JAN. 01, 2007 THRU SEP. 19, 2007

ACCOUNT NUMBER : T19095

BED/CELL NUMBER: FDB2T1000000122L

ACCOUNT NAME : MILLS, KENNETH WAYNE

ACCOUNT TYPE: I

PRIVILEGE GROUP: D

## TRUST ACCOUNT ACTIVITY

&lt;&lt; NO ACCOUNT ACTIVITY FOR THIS PERIOD &gt;&gt;

## CURRENT HOLDS IN EFFECT

DATE PLACED	HOLD CODE	DESCRIPTION	COMMENT	HOLD AMOUNT
09/04/2007	H118	LEGAL COPIES HOLD	0665 LCDPY	11.40
09/04/2007	H109	LEGAL POSTAGE HOLD	0665 LPOST	2.50
09/04/2007	H109	LEGAL POSTAGE HOLD	0665 ENVEL	2.25
09/04/2007	H109	LEGAL POSTAGE HOLD	0673 LPOST	0.41
09/06/2007	H109	LEGAL POSTAGE HOLD	0691 LPOST	0.41
09/06/2007	H109	LEGAL POSTAGE HOLD	0691 LPOST	0.58
09/06/2007	H109	LEGAL POSTAGE HOLD	0691 LPOST	0.41
09/06/2007	H109	LEGAL POSTAGE HOLD	0702 LPOST	1.31
09/06/2007	H109	LEGAL POSTAGE HOLD	0702 ENVEL	2.45
09/06/2007	H118	LEGAL COPIES HOLD	0702 LCDPY	20.00
09/07/2007	H109	LEGAL POSTAGE HOLD	0719 LPOST	1.82
09/07/2007	H109	LEGAL POSTAGE HOLD	0719 LPOST	1.48
09/07/2007	H109	LEGAL POSTAGE HOLD	0719 LPOST	1.82
09/07/2007	H109	LEGAL POSTAGE HOLD	0719 LPOST	0.41
09/07/2007	H109	LEGAL POSTAGE HOLD	0719 LPOST	0.41
09/07/2007	H109	LEGAL POSTAGE HOLD	0719 LPOST	0.41
09/07/2007	H107	POSTAGE HOLD	0721 POST	0.41
09/12/2007	H109	LEGAL POSTAGE HOLD	0757 LPOST	1.82
09/12/2007	H109	LEGAL POSTAGE HOLD	0757 LPOST	0.58
09/12/2007	H109	LEGAL POSTAGE HOLD	0757 LPOST	1.65
09/12/2007	H109	LEGAL POSTAGE HOLD	0757 LPOST	1.82
09/12/2007	H109	LEGAL POSTAGE HOLD	0757 LPOST	1.31
09/12/2007	H109	LEGAL POSTAGE HOLD	0757 LPOST	0.75
09/12/2007	H109	LEGAL POSTAGE HOLD	0757 LPOST	1.82
09/12/2007	H109	LEGAL POSTAGE HOLD	0757 LPOST	1.48
09/14/2007	H109	LEGAL POSTAGE HOLD	0804 LPOST	0.41
09/14/2007	H109	LEGAL POSTAGE HOLD	0804 LPOST	0.41
09/14/2007	H109	LEGAL POSTAGE HOLD	0806 ENVEL	2.45
09/14/2007	H118	LEGAL COPIES HOLD	0807 LCDPY	14.80
09/17/2007	H109	LEGAL POSTAGE HOLD	0825 LPOST	1.31
09/17/2007	H109	LEGAL POSTAGE HOLD	0825 LPOST	0.41
09/17/2007	H109	LEGAL POSTAGE HOLD	0825 LPOST	1.48

150F36

(50F81

56096

REPORT ID: 753030 .701

REPORT DATE: 09/19/07  
PAGE NO:

CALIFORNIA DEPARTMENT OF CORRECTIONS  
SALINAS VALLEY STATE PRISON  
INMATE TRUST ACCOUNT STATEMENT

FOR THE PERIOD: JAN. 01, 2007 THRU SEP. 19, 2007

ACCT: T19095

ACCT NAME: MILLS, KENNETH WAYNE

ACCT TYPE: I

TRUST ACCOUNT SUMMARY

BEGINNING BALANCE	TOTAL DEPOSITS	TOTAL WITHDRAWALS	CURRENT BALANCE	HOLDS BALANCE	TRANSACTION TO BE POSTED
0.00	0.00	0.00	0.00	80.98	0.00

CURRENT  
AVAILABLE  
BALANCE

80.98

160f36

160f61

Exhe BCT

310085

High Desert State Prison  
P.O. Box 750  
Susanville, CA 96127-0750

03/19/02

SOLANO COUNTY SUPERIOR COURT  
HALL OF JUSTICE, NORTH WING  
600 UNION AVENUE  
FAIRFIELD, CA 94533

RE: MILLS, KENNETH  
CDC#: T-19095  
Case #: VCR147775  
Sentence Date: 06/01/01

Date of Arrest:  
Booking #:  
Report #:  
Charge:

Dear Sir:

The above identified Subject has been sentenced to the California Department of Corrections from your County. We have not received the following documents/information on the above case. It is of the utmost importance these documents/information are received to properly record the commitment. CAC NEVER RECEIVED DOCUMENTS THAT WAS TO ACCOMPANY ME TO PRISON. SHOWS ILLEGAL IMPRISONMENT WITH T-19095

- ( ) INFORMATION
- ( ) PROBATION OFFICERS REPORT
- ( ) CERTIFIED COPY OF ABSTRACT OF JUDGMENT - COMMITMENT
- ( ) TRANSCRIPT OF PROCEEDINGS AT TIME OF SENTENCING
- (XXX) MINUTE ORDER - CERTIFIED
- ( ) ARREST REPORT/INVESTIGATIVE REPORT

Your cooperation in this matter is greatly appreciated.

Sincerely,

D. L. RUNNELS  
WARDEN

*L. Kennedy*  
D. SADER

Correctional Case Records Manager  
(530) 251-5100 EXT. 5574

*THIS WAS TO ACCOMPANY ME TO PRISON  
BUT IT DIDNT. ILLEGALLY IMPRISONED  
06/2001 PRISON T-19095 - CASE NO. VCR147775  
WHICH WAS DISMISSED ON 01-29-01 BY SUPERIOR  
COURT JUDGE ALLAN CARTER AT PROBATION  
REVOCATION HEARING.*

*Kenneth Mills T-19095*

cc: Central File  
Inmate

*(6086)*

*320F36*

RECEIVED  
SOLANO COUNTY COURTS  
02 MAR 22 PM 1:42  
COUNTY OF SOLANO



300086

COPY

COURT OF APPEAL, FIRST APPELLATE DISTRICT  
350 MCALLISTER STREET  
SAN FRANCISCO, CA 94102  
DIVISION 1

In re KENNETH MILLS on Habeas Corpus.

A115580

Solano County No. VCR147775

BY THE COURT:

The petition for writ of habeas corpus is denied.

The justices participating in this matter were:

Presiding Justice Marchiano, Justice Swager and Justice Margulies

FILED

OCT 26 2006

Court of Appeal, First Appellate District  
DIANA HERBERT

By \_\_\_\_\_ DEPUTY

386 Days For this  
HABEAS CORPUS to BE  
RESPONSE TO  
TODAY'S DATE  
September 25th 2007

Due Process Violation  
Kenneth Mills  
THROGS

Date: OCT 26 2006

MARCHIANO, P.J.

P.J.

THIS writ issues By A National person NO  
LITIGANT AS LAW DEMAND REVIEWED the 09-05-07  
Kenneth Mills Violation of Due process  
OF HABEAS CORPUS petition  
(160) DAYS TO HAVE RESPONSE

330536

(5008)

MC-275

"KENNETH WAYNE MILLS"  
 Address "SACRAMENTO VALLEY STATE PRISON"  
 "125 ALDER STREET"  
 "SOLEMAN, CALIFORNIA 95660"  
 CDC or ID Number "7-19095"

RECEIVED  
 JAN 16 2008

"SACRAMENTO COUNTY SUPERIOR CT."  
 "720 9TH STREET"  
 (Court)

"KENNETH MILLS"	
Petitioner	
vs.	
"GALLEY PATRONE BRAJEVICH"	
Respondent	"ATTORNEY AT LAW"

## PETITION FOR WRIT OF HABEAS CORPUS

No. "DTF03696"  
 (To be supplied by the Clerk of the Court)

"AMENDED"

## INSTRUCTIONS—READ CAREFULLY

- If you are challenging an order of commitment or a criminal conviction and are filing this petition in the Superior Court, you should file it in the county that made the order.
- If you are challenging the conditions of your confinement and are filing this petition in the Superior Court, you should file it in the county in which you are confined.
- Read the entire form *before* answering any questions.
- This petition must be clearly handwritten in ink or typed. You should exercise care to make sure all answers are true and correct. Because the petition includes a verification, the making of a statement that you know is false may result in a conviction for perjury.
- Answer all applicable questions in the proper spaces. If you need additional space, add an extra page and indicate that your answer is "continued on additional page."
- If you are filing this petition in the Superior Court, you need file only the original unless local rules require additional copies. Many courts require more copies.
- If you are filing this petition in the Court of Appeal, file the original and four copies of the petition and, if separately bound, one copy of any supporting documents.
- If you are filing this petition in the California Supreme Court, file the original and ten copies of the petition and, if separately bound, two copies of any supporting documents.
- Notify the Clerk of the Court in writing if you change your address after filing your petition.
- In most cases, the law requires service of a copy of the petition on the district attorney, city attorney, or city prosecutor. See Penal Code section 1475 and Government Code section 72193. You may serve the copy by mail.

Approved by the Judicial Council of California for use under Rule 60 of the California Rules of Court [as amended effective January 1, 2005]. Subsequent amendments to Rule 60 may change the number of copies to be furnished to the Supreme Court and Court of Appeal.

Page one of six

APPEAL NO. B73956 (320869)

## Petition concerns:

☐ A conviction☐ Parole☐ A sentence☐ Credits☐ Jail or prison conditions☐ Prison discipline☒ Other (specify):

"ADJUDICATION"

1. Your name:

"KENNETH MILLS"

2. Where are you incarcerated?

"SALINAS VALLEY STATE PRISON"

3. Why are you in custody?

☒

Criminal Conviction

☐

Civil Commitment

Answer subdivisions a. through i. to the best of your ability.

a. State reason for civil commitment or, if criminal conviction, state nature of offense and enhancements (for example, "robbery with use of a deadly weapon").

"MAYHEM"

"ASSAULT W/ DEADLY WEAPON"

b. Penal or other code sections:

§ 205

§ 245(a)(1)

c. Name and location of sentencing or committing court:

"SUPERIOR COURT OF CALIFORNIA"

"LOS ANGELES COUNTY" - "ANDRWAH COURT-HOUSE"

d. Case number:

"VAD88677"

e. Date convicted or committed:

"JUNE 06TH 2006"

f. Date sentenced:

"AUGUST 28TH 2006"

g. Length of sentence:

"LIFE" + "16 YEARS"

h. When do you expect to be released?

"NOT KNOWN"

i. Were you represented by counsel in the trial court?

☐ Yes.☒

No. If yes, state the attorney's name and address:

"N/A"

4. What was the LAST plea you entered? (check one)

☒

Not guilty

☐

Guilty

☐

Nolo Contendere

☐

Other:

5. If you pleaded not guilty, what kind of trial did you have?

☒

Jury

☐

Judge without a jury

☐

Submitted on transcript

☐

Awaiting trial

30835

10 of 89

Exhibit  
(144A)

13193956

110585

## 6. GROUNDS FOR RELIEF

Ground 1: State briefly the ground on which you base your claim for relief. For example, "the trial court imposed an illegal enhancement." (If you have additional grounds for relief, use a separate page for each ground. State ground 2 on page four. For additional grounds, make copies of page four and number the additional grounds in order.)

"THE TRIAL COURT OVER STEPPED BOUNDARIES"  
 "SPEEDY TRIAL VIOLATIONS" (60 DAYS VIOLATION)  
 "SUPERIOR COURT JUDGE LARRY KNAPP UNLAWFULLY STOPPED COURT PROCEEDINGS FOR PEN. C SECTION §1368"

## a. Supporting facts:

Tell your story briefly without citing cases or law. If you are challenging the legality of your conviction, describe the facts upon which your conviction is based. If necessary, attach additional pages. CAUTION: You must state facts, not conclusions. For example, if you are claiming incompetence of counsel you must state facts specifically setting forth what your attorney did or failed to do and how that affected your trial. Failure to allege sufficient facts will result in the denial of your petition. (See *In re Swain* (1949) 34 Cal.2d 300, 304.) A rule of thumb to follow is: who did exactly what to violate your rights at what time (when) or place (where). (If available, attach declarations, relevant records, transcripts, or other documents supporting your claim.)

"PETITIONER IS SEEKING RELIEF FROM 'PROCEDURE DEFAULT' AND PETITIONER IS CLAIMING SERIOUS INJURIES (MENTAL & PHYSICAL) DUE TO 'ILLEGAL INCARCERATION' THAT'S 'VERY' RETARDING TO APPEALATE: (SPEEDY TRIAL VIOLATIONS)  
 I 'MADE APPEARANCE' IN 'NORWALK SUPERIOR COURT HOUSE' WITH 'SUPERIOR COURT JUDGE' (of CALIF.) 'LARRY KNAPP' PRESIDING 'OVER MY' 'CRIMINAL TRIAL' (CASE NO. VAD00677) 'SEPTEMBER 06 2006'. 'I APPEARED UNDER PROPRIA-PERSONA' (MY 'CONSTITUTIONAL RIGHTS TO SPEEDY TRIAL BEGAN' MY 'RIGHT TO 60 DAYS TO SPEEDY TRIAL' BEGAN.

I 'MADE APPEARANCE' TO 'NORWALK COURT HOUSE' (NOVEMBER 02 NO 2005) WITH 'PRESIDING JUDGE' 'LARRY KNAPP'. AT THIS TIME THE 'DEALITY' DISTRICT ATTORNEY 'STATED: 'I DON'T THINK HE'S COMPETENT JUDGE'. (AT THIS TIME APPELLANT 'MADE 'NO UNLAWFUL ACTIONS' TO HAVE 'TRIAL STOPPED' JUDGE LARRY KNAPP HAULTED PROCEEDINGS FOR PEN. C §1368.

## b. Supporting cases, rules, or other authority (optional):

(Briefly discuss, or list by name and citation, the cases or other authorities that you think are relevant to your claim. If necessary, attach an extra page.)

#1. 'FEDERAL CONSTITUTIONAL ISSUE - REVIEW, (PETITION)  
 #2. 'CONSTITUTIONAL RIGHTS TO SPEEDY TRIAL (60-DAYS)  
 #3. 'CONSTITUTION OF THE UNITED STATES - AMENDMENTS V-VI-VIII  
 #4. 'XIV: 'IMMUNITY OF STATE (HOSPITAL VIOLENT ACT)  
 #5. 'LRC RULE #29 - RULE #4.100 - RULE NO. 4.110"



## 7. Ground 2 or Ground (if applicable):

THE TRIAL COURT (SUPERIOR COURT OF CA. JUDGE CYNTHIA RAY-  
VIE) VIOLATED MY CONSTITUTIONAL RIGHT TO SPEEDY TRIAL;  
FEBRUARY 08TH 2006 I LOGGED A PEN. C § 17D.6 (DISQUALIFIED) AGAINST  
AGAINST SUPERIOR COURT (OF CA.) JUDGE LARRY KNAPP NORWALK COURTHOUSE

## a. Supporting facts:

PETITIONER IS CLAIMING SERIOUS UNLAWFUL ACTIONS ~~AGAINST~~  
SUPERIOR COURT JUDGE CYNTHIA RAYVIE THATS "VERY PREJUDICIAL"  
TO APPELLANT AND UNLAWFULLY IMPRISONED APPELLATE.

ON FEBRUARY 08TH 2006 APPELLATE MADE APPEARANCE IN THE  
SUPERIOR COURT OF CALIFORNIA - COUNTY OF LOS ANGELES - NORWALK COURT  
HOUSE - SUPERIOR COURT JUDGE CYNTHIA RAYVIE PRESTING  
OVER MY CRIMINAL CASE NO. VA088677.

APPELLANT HAS AWAITED FIFTY SEVEN (57) DAYS FOR CONSTITU-  
TIONAL (60) DAY SPEEDY TRIAL (APPELLATE WAS APPEARING UNDER  
PROPTA - PERSONA. (PRO PER - DEFENDING ONE'S SELF IN CRIMINAL  
TRIAL) APPELLATE HAS BEEN TRANSFERRED FROM SUPERIOR COURT  
OF CA. JUDGE LARRY KNAPP COURT ROOM FOR PREJUDICIAL ACTIONS  
COMMITTED AGAINST APPELLATE. APPELLATE FILED A PEN. C SECTION  
§ 17D.6 AND DISQUALIFIED SUPERIOR COURT JUDGE LARRY KNAPP  
FROM HEARING/PRESTING OVER MY CRIMINAL CASE NO. VA088677.

APPELLATE WAS SENT NEXT DOOR TO SUPERIOR COURT  
JUDGE (OF CA.) CYNTHIA RAYVIE TO CONTINUE MY CRIMI-  
NAL TRIAL (VA088677) INSTEAD OF CONTINUING FROM 51 OF 60 MY CRIM.  
TRIAL WAS STARTED A NEW 10 601.

## b. Supporting cases, rules, or other authority:

RIGHT TO SPEEDY TRIAL SEE CRIMINAL LAWS § 2080 ET. SEQ. AND  
[FN2] IN RE YUNG (1908) 7 CAL APP 772, 76 P.24;  
4267 CALIFORNIA JURISPRUDENCE 3d CRIMINAL LAW: POST-  
TRIAL PROCEEDINGS;

22C CAL. JUR. 3d CRIMINAL LAW: POST TRIAL PROCEEDINGS  
§ 907; CAL APP 3d 779, 110 CAL APP 4th 492. PEOPLE V. SMITH (2003)

8. Did you appeal from the conviction, sentence, or commitment? ☒ Yes. ☐ No. If yes, give the following information:
- a. Name of court ("Court of Appeal" or "Appellate Dept. of Superior Court"): "HAVENT HEARD"
- b. Result HAVENT HEARD c. Date of decision: HAVENT HEARD
- d. Case number or citation of opinion, if known: B193456
- e. Issues raised: (1) ILLEGAL IMPRISONMENT / P.C. § 1368a Violation  
 (2) "NOT GIVEN ATTORNEY FOR COMPETENCY HEARING RE § 1368  
"VIA"  
 (3) \_\_\_\_\_
- f. Were you represented by counsel on appeal? ☒ Yes. ☒ No. If yes, state the attorney's name and address, if known:  
\$ SALLY PATRICK BRATECH (SBN 161863)
9. Did you seek review in the California Supreme Court? ☐ Yes ☐ No. If yes, give the following information:
- a. Result \_\_\_\_\_ b. Date of decision: \_\_\_\_\_
- c. Case number or citation of opinion, if known: \_\_\_\_\_
- d. Issues raised: (1) \_\_\_\_\_  
 (2) \_\_\_\_\_  
 (3) \_\_\_\_\_
10. If your petition makes a claim regarding your conviction, sentence, or commitment that you or your attorney did not make on appeal, explain why the claim was not made on appeal:  
APPEAL ATTORNEY (SALLY P. BRATECH) REFUSES TO RAISE  
VIOLATION OF SPEEDY TRIAL (60) DAYS
11. Administrative Review:
- a. If your petition concerns conditions of confinement or other claims for which there are administrative remedies, failure to exhaust administrative remedies may result in the denial of your petition, even if it is otherwise meritorious. (See *In re Muszalski* (1975) 52 Cal.App.3d 500 [125 Cal.Rptr. 286].) Explain what administrative review you sought or explain why you did not seek such review:  
THIS A COURT/APPEAL ISSUE NOT A ADMINISTRATIVE ISSUE!
- b. Did you seek the highest level of administrative review available? ☐ Yes. ☐ No.  
 Attach documents that show you have exhausted your administrative remedies.

12. Other than direct appeal, have you filed any other petitions, applications, or motions with respect to this conviction, commitment, or issue in any court? ☒ Yes. If yes, continue with number 13. ☐ No. If no, skip to number 15.

13. a. (1) Name of court: STATE BAR OF CALIFORNIA  
 (2) Nature of proceeding (for example, "habeas corpus petition"): COMPLAINT (Motions & Petitions)  
 (3) Issues raised: (a) (60) DAY SPEEDY TRIAL VIOLATIONS  
 (b) ATTORNEY NOT GIVEN FOR PIE§1368 HEARING  
 (4) Result (Attach order or explain why unavailable): NOT KNOWN - ON GOING  
 (5) Date of decision: "N/A"
- b. (1) Name of court: "N/A"  
 (2) Nature of proceeding: "N/A"  
 (3) Issues raised: (a) "N/A"  
 (b) "N/A"  
 (4) Result (Attach order or explain why unavailable): Acceding  
 (5) Date of decision: None

c. For additional prior petitions, applications, or motions, provide the same information on a separate page.

14. If any of the courts listed in number 13 held a hearing, state name of court, date of hearing, nature of hearing, and result:

N/A  
"N/A"

15. Explain any delay in the discovery of the claimed grounds for relief and in raising the claims in this petition. (See *In re Swain* (1949) 34 Cal.2d 300, 304.)

APPEAL ATTORNEY SALLY PATRONE BRAJEWICH  
REFUSES TO PLACE IN CRIM. APPEAL (13193456) SPEEDY  
TRIAL VIOLATIONS

16. Are you presently represented by counsel? ☒ Yes. ☐ No. If yes, state the attorney's name and address, if known:

SALLY PATRONE BRAJEWICH - 1379 PARK  
WESTERN DRIVE #16 SAN PEDRO CALIF. 90732

17. Do you have any petition, appeal, or other matter pending in any court? ☐ Yes. ☒ No. If yes, explain:

"N/A"  
"N/A"

18. If this petition might lawfully have been made to a lower court, state the circumstances justifying an application to this court:

SUPERIOR COURT OF CALIFORNIA - NORWALK SUPERIOR  
COURT - JUDGES LARRY KNEPP & CYNTHIA RAYUS COMMITTED  
VIOLATIONS AGAINST ME

I, the undersigned, say: I am the petitioner in this action. I declare under penalty of perjury under the laws of the State of California that the foregoing allegations and statements are true and correct, except as to matters that are stated on my information and belief, and as to those matters, I believe them to be true.

Date: 10-2007

[Signature]  
 (SIGNATURE OF PETITIONER)

Mr. Kenneth W. Mills

March 5, 2007

Privileged Attorney-Client Communications

Appellate Trial Transcript

53-54.) You filed a motion claiming a speedy trial violation on February 24, 2006. (1CT 55.) The courts have determined when criminal proceedings are resumed following a competency evaluation under Penal Code section 1368, the time starts at 0 of 60 again. The clock resets at zero. (Pen. Code, § 1382(a)(2); People v. Love (2005) 132 Cal.App.4th 276, 285.) Penal Code section 1382(a)(2) states unless good cause is shown the trial court should dismiss:

clock does not  
restart

"In a felony case, when a defendant is not brought to trial within 60 days of the defendant's arraignment on an indictment or information, or reinstatement of criminal proceedings pursuant to Chapter 6 (commencing with Section 1367)..."

THIS IS NOT  
RESTARTING  
TRIAL

NOT RESTARTING TRIAL

This means after you were found competent on February 8, 2006, the clock was reset at 0 of 60 and the court had 60 days to try you, on or before April 10, 2006 (which was a Sunday), giving the court until Monday, April 10, 2006, which is when your first trial began. (1CT 70.) Consequently, I am unable to raise this issue on appeal.

I MADE NO MENTION OF THIS

You mentioned the witnesses at trial lied about your statement/gesture that you poked the victim's eyes out with your fingers. This will be a difficult hurdle to overcome on appeal, since the jury heard the testimony against you, found the charges to be proven, and convicted you.

I also received your paperwork indicating you wish to proceed with the appeal despite the risk of a possible adverse consequence. The appeal is proceeding.

You have indicated you do not want me representing you. Unfortunately there is no right to represent yourself on appeal. Please be assured that I am diligently working on your case, and I want the best possible outcome for you.

MADE (4) FOUR REQUESTS FOR MY COURT  
TRANSCRIPTS. ALL REQUESTS DENIED ME

You have also requested a copy of your trial transcripts. I have a copy of the trial transcripts in case number VA088677. You are only provided with one copy which I need to prepare the appeal. There is no right to represent yourself on appeal. If there is a specific witness you would like the testimony from, I can copy a portion of the record for you now. However, I need the transcripts until the state appeal is over. At that time I will promptly sent the records to you.

I cannot provide  
with a copy of  
my trial transcripts  
JUDGE Cynthia R  
Reimer to give  
me copy. I receive  
in

300526

140001

27005

17004

180022



With properly New From me  
I don't HAVE Items needed  
LA for these

COURT OF APPEAL - SECOND DISTRICT

MC-275

JUN 28 2007

Name

KENNETH W. MILLS

Address

SALINAS VALLEY STATE PRISON

Post Office Box

1050

City

SOLEDAD, CALIFORNIA 93960

CDC or ID Number

T-19095

JOSEPH A. [Signature]

[Signature]

Deputy

COURT OF APPEAL - STATE OF CALIFORNIA  
2ND APPELLATE DISTRICT, DIVISION (8)  
(Court)

B200127

KENNETH WAYNE MILLS	
Petitioner	vs.
PEOPLE OF STATE OF CALIFORNIA	
Respondent	(CALIFORNIA)

PETITION FOR WRIT OF HABEAS CORPUS

No.

~~B-193456~~  
B-193456  
(To be supplied by the Clerk of the Court)

B192141 8/11  
B192165 8/11  
B193456 8/11  
B193532 8/11

INSTRUCTIONS—READ CAREFULLY

- If you are challenging an order of commitment or a criminal conviction and are filing this petition in the Superior Court, you should file it in the county that made the order.
- If you are challenging the conditions of your confinement and are filing this petition in the Superior Court, you should file it in the county in which you are confined.
- Read the entire form before answering any questions.
- This petition must be clearly handwritten in ink or typed. You should exercise care to make sure all answers are true and correct. Because the petition includes a verification, the making of a statement that you know is false may result in a conviction for perjury.
- Answer all applicable questions in the proper spaces. If you need additional space, add an extra page and indicate that your answer is "continued on additional page."
- If you are filing this petition in the Superior Court, you need file only the original unless local rules require additional copies. Many courts require more copies.
- If you are filing this petition in the Court of Appeal, file the original and four copies of the petition and, if separately bound, one copy of any supporting documents.
- If you are filing this petition in the California Supreme Court, file the original and ten copies of the petition and, if separately bound, two copies of any supporting documents.
- Notify the Clerk of the Court in writing if you change your address after filing your petition.
- In most cases, the law requires service of a copy of the petition on the district attorney, city attorney, or city prosecutor. See Penal Code section 1475 and Government Code section 72193. You may serve the copy by mail.

Where Court From? I don't submit these. Kenneth - 8/11 10/08/07

Approved by the Judicial Council of California for use under rule 8.380 of the California Rules of Court [as amended effective January 1, 2007]. Subsequent amendments to rule 8.380 may change the number of copies to be furnished to the Supreme Court and Court of Appeal.

EXPORT ID: TS3030 701

REPORT DATE: 10/05/07

PAGE NO: 1

CALIFORNIA DEPARTMENT OF CORRECTIONS  
SALINAS VALLEY STATE PRISON  
INMATE TRUST ACCOUNTING SYSTEM  
INMATE TRUST ACCOUNT STATEMENT

FOR THE PERIOD: JUL. 01, 2007 THRU OCT. 05, 2007

ACCOUNT NUMBER : T19095

BED/CELL NUMBER: FDB4T1000000131L

ACCOUNT NAME : MILLS, KENNETH WAYNE

ACCOUNT TYPE: I

PRIVILEGE GROUP: A

## TRUST ACCOUNT ACTIVITY

&lt;&lt; NO ACCOUNT ACTIVITY FOR THIS PERIOD &gt;&gt;

## CURRENT HOLDS IN EFFECT

DATE PLACED	HOLD CODE	DESCRIPTION	COMMENT	HOLD AMOUNT
/07/2007	H107	POSTAGE HOLD	0721 POST	0.41
/14/2007	H109	LEGAL POSTAGE HOLD	0804 LPOST	0.41
/14/2007	H109	LEGAL POSTAGE HOLD	0804 LPOST	0.41
/14/2007	H118	LEGAL COPIES HOLD	0807 LCOPY	14.80
/17/2007	H109	LEGAL POSTAGE HOLD	0825 LPOST	1.31
/17/2007	H109	LEGAL POSTAGE HOLD	0825 LPOST	1.48
/19/2007	H109	LEGAL POSTAGE HOLD	0856 LPOST	0.92
/20/2007	H109	LEGAL POSTAGE HOLD	0867 LPOST	4.90
/20/2007	H109	LEGAL POSTAGE HOLD	0867 LPOST	0.41
/20/2007	H109	LEGAL POSTAGE HOLD	0867 ENVEL	3.05
/21/2007	H109	LEGAL POSTAGE HOLD	0875 LPOST	1.31
/21/2007	H109	LEGAL POSTAGE HOLD	0875 LPOST	0.58
/25/2007	H109	LEGAL POSTAGE HOLD	0908 LPOST	1.48
/25/2007	H109	LEGAL POSTAGE HOLD	0908 LPOST	1.48
/25/2007	H109	LEGAL POSTAGE HOLD	0908 LPOST	1.65
/26/2007	H109	LEGAL POSTAGE HOLD	0923 LPOST	1.31
/26/2007	H109	LEGAL POSTAGE HOLD	0923 LPOST	2.84
/01/2007	H109	LEGAL POSTAGE HOLD	0940 LPOST	2.33
/03/2007	H109	LEGAL POSTAGE HOLD	0966 LPOST	1.14

## TRUST ACCOUNT SUMMARY

BEGINNING BALANCE	TOTAL DEPOSITS	TOTAL WITHDRAWALS	CURRENT BALANCE	HOLDS BALANCE	TRANSACTIONS TO BE POSTED
0.00	0.00	0.00	0.00	42.22	0.00

CURRENT  
AVAILABLE  
BALANCE

42.22

046136

REPORT ID: TS3030 .701

REPORT DATE: 09/19/07  
PAGE NO:CALIFORNIA DEPARTMENT OF CORRECTIONS  
SALINAS VALLEY STATE PRISON  
INMATE TRUST ACCOUNTING SYSTEM  
INMATE TRUST ACCOUNT STATEMENT

FOR THE PERIOD: JAN. 01, 2007 THRU SEP. 19, 2007

ACCOUNT NUMBER : T19095  
ACCOUNT NAME : MILLS, KENNETH WAYNE  
PRIVILEGE GROUP: DBED/CELL NUMBER: FDB2T1000000122L  
ACCOUNT TYPE: I

## TRUST ACCOUNT ACTIVITY

&lt;&lt; NO ACCOUNT ACTIVITY FOR THIS PERIOD &gt;&gt;

## CURRENT HOLDS IN EFFECT

DATE PLACED	HOLD CODE	DESCRIPTION	COMMENT	HOLD AMOUNT
09/04/2007	H118	LEGAL COPIES HOLD	0665 LCPY	11.40
09/04/2007	H109	LEGAL POSTAGE HOLD	0665 LPOST	2.50
09/04/2007	H109	LEGAL POSTAGE HOLD	0665 ENVEL	2.25
09/04/2007	H109	LEGAL POSTAGE HOLD	0673 LPOST	0.41
09/06/2007	H109	LEGAL POSTAGE HOLD	0691 LPOST	0.41
09/06/2007	H109	LEGAL POSTAGE HOLD	0691 LPOST	0.58
09/06/2007	H109	LEGAL POSTAGE HOLD	0691 LPOST	0.41
09/06/2007	H109	LEGAL POSTAGE HOLD	0702 LPOST	1.31
09/06/2007	H109	LEGAL POSTAGE HOLD	0702 ENVEL	2.45
09/06/2007	H118	LEGAL COPIES HOLD	0702 LCPY	20.00
09/07/2007	H109	LEGAL POSTAGE HOLD	0719 LPOST	1.82
09/07/2007	H109	LEGAL POSTAGE HOLD	0719 LPOST	1.48
09/07/2007	H109	LEGAL POSTAGE HOLD	0719 LPOST	1.82
09/07/2007	H109	LEGAL POSTAGE HOLD	0719 LPOST	0.41
09/07/2007	H109	LEGAL POSTAGE HOLD	0719 LPOST	0.41
09/07/2007	H109	LEGAL POSTAGE HOLD	0719 LPOST	0.41
09/07/2007	H109	LEGAL POSTAGE HOLD	0721 POST	0.41
09/12/2007	H109	LEGAL POSTAGE HOLD	0757 LPOST	1.82
09/12/2007	H109	LEGAL POSTAGE HOLD	0757 LPOST	0.58
09/12/2007	H109	LEGAL POSTAGE HOLD	0757 LPOST	1.65
09/12/2007	H109	LEGAL POSTAGE HOLD	0757 LPOST	1.82
09/12/2007	H109	LEGAL POSTAGE HOLD	0757 LPOST	1.31
09/12/2007	H109	LEGAL POSTAGE HOLD	0757 LPOST	0.75
09/12/2007	H109	LEGAL POSTAGE HOLD	0757 LPOST	1.82
09/12/2007	H109	LEGAL POSTAGE HOLD	0757 LPOST	1.48
09/14/2007	H109	LEGAL POSTAGE HOLD	0804 LPOST	0.41
09/14/2007	H109	LEGAL POSTAGE HOLD	0804 LPOST	0.41
09/14/2007	H109	LEGAL POSTAGE HOLD	0806 ENVEL	2.45
09/14/2007	H118	LEGAL COPIES HOLD	0807 LCPY	14.50
09/17/2007	H109	LEGAL POSTAGE HOLD	0825 LPOST	1.31
09/17/2007	H109	LEGAL POSTAGE HOLD	0825 LPOST	0.41
09/17/2007	H109	LEGAL POSTAGE HOLD	0825 LPOST	1.48

150F36

(50F81

REPORT ID: TS3030 .701

REPORT DATE: 09/19/

PAGE NO:

CALIFORNIA DEPARTMENT OF CORRECTIONS  
SALINAS VALLEY STATE PRISON  
INMATE TRUST ACCOUNT STATEMENT

FOR THE PERIOD: JAN. 01, 2007 THRU SEP. 19, 2007

ACCT: 719095

ACCT NAME: MILLS, KENNETH WAYNE

ACCT TYPE: 1

## TRUST ACCOUNT SUMMARY

BEGINNING BALANCE	TOTAL DEPOSITS	TOTAL WITHDRAWALS	CURRENT BALANCE	HOLDS BALANCE	TRANSACTION TO BE POSTED
0.00	0.00	0.00	0.00	80.98	0.00

CURRENT  
AVAILABLE  
BALANCE

80.98

160F36

160F61



40F85

8173456

## IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

## SECOND APPELLATE DISTRICT, DIVISION EIGHT

---

THE PEOPLE OF THE STATE OF CALIFORNIA, )

Plaintiff and Respondent, )

v. )

KENNETH W. MILLS, )

Defendant and Appellant. )

---

) Court of Appeal

) No. B193456

) Los Angeles County

) Superior Court

) No. VA088677

## I.

SECOND MOTION TO AUGMENT  
THE RECORD ON APPEAL

Appellant respectfully requests pursuant rules 8.155 and 8.324 of the California Rules of Court for an order augmenting the record on appeal as specified herein. Appellate counsel has made one previous request for augmentation. Appellant requests the following:

- 1) Reporter's Transcript of **November 2, 2005**, Southeast Dept. SES, Judge Larry S. Knupp, Reporter Linda Peralta, where the prosecutor declared a doubt as to appellant's mental competency pursuant to Penal Code section 1368, and criminal proceedings were suspended.

The failure to appoint counsel for a pro per defendant when a doubt has been declared as to his competency under Penal Code, section 1368, is reversible error. (*People v. Jennan* (2007) 148 Cal.App.4th 1144.) This issue had been raised in the briefs. In the initial augment motion the date was listed as November 11, 2005.

The date is actually November 2, 2005.

B90F36

pg 42 & 44 DON'T MATCH UP!  
Kenneth Mills F-18085  
D-4/13/12  
10-17-07

B193456

40585

## IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

## SECOND APPELLATE DISTRICT, DIVISION EIGHT

---

**THE PEOPLE OF THE STATE OF CALIFORNIA,**

Plaintiff and Respondent,

v.

**KENNETH W. MILLS,**

Defendant and Appellant.

)

) Court of Appeal

) No. B193456

)

) Los Angeles County

) Superior Court

) No. VA088677

)

)

## I.

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The date is actually November 2, 2005.

pg 42 & 44 DON'T MATCH UP!  
Kenneth Mills T-18085  
D-4/1316  
10-17-07

200536  
Oct. 16th 2007

50185

Exhibit (P3)A

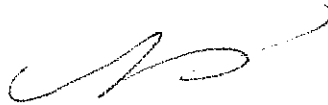
Appellate counsel is required to raise all arguable issues on appeal and to perfect the record. (*In re Smith* (1970) 3 Cal.3d 192.) Inclusion of the requested material is needed to effectively represent appellant, and to fully address the issues in this case. (*People v. Gaston* (1978) 20 Cal.3d 476; *People v. Silva* (1978) 20 Cal.3d 489.) It is respectfully requested that this Court order the record on appeal augmented with the transcripts of the proceedings documents as detailed herein.

### CONCLUSION

For the reasons set forth above, appellant respectfully requests that the second motion to augment be granted.

Dated: **October 11, 2007**

Respectfully submitted,



SALLY P. BRAJEVICH  
Attorney for Appellant

1617247656124 (1608) 14  
54085

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT, DIVISION EIGHT

---

**THE PEOPLE OF THE STATE OF CALIFORNIA,**

Plaintiff and Respondent,

v.

**KENNETH W. MILLS,**

Defendant and Appellant.

---

)  
)  
) Court of Appeal  
) No. B193456  
)  
) Los Angeles County  
) Superior Court  
) No. VA088677  
)  
)

APPEAL FROM THE JUDGMENT OF  
THE SUPERIOR COURT OF LOS ANGELES COUNTY  
THE HONORABLE LARRY S. KNUPP AND CYNTHIA RAYVIS JUDGES

---

**MOTION TO AUGMENT THE RECORD ON APPEAL**

(60871)

SALLY P. BRAJEVICH  
1379 Park Western Drive, # 316  
San Pedro, California 90732  
Telephone: (310) 832-9385  
Fax: (310) 832-9684  
State Bar No. 161863

Attorney for Appellant  
KENNETH W. MILLS

220836



60F88

B193456  
Exhibit C19A

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT, DIVISION EIGHT

\_\_\_\_\_  
THE PEOPLE OF THE STATE OF CALIFORNIA, )

Plaintiff and Respondent, )

v. )

KENNETH W. MILLS, )

Defendant and Appellant. )

) Court of Appeal

) No. B193456

) Los Angeles County

) Superior Court


) No. VA088677

\_\_\_\_\_  
DECLARATION OF SALLY P. BRAJEVICH IN SUPPORT OF  
SECOND MOTION TO AUGMENT RECORD ON APPEAL

SALLY P. BRAJEVICH declares under penalty of perjury:

I am the attorney appointed to represent appellant Kenneth W. Mills for this appeal. All of the factual statements made in this second motion to augment the record are true and correct to the best of my knowledge. The materials sought to be included in the record are necessary for a proper determination of the appeal and to perfect the record on appeal per counsel's duty.

Executed on October 11, 2007, at San Pedro, California.

  
\_\_\_\_\_  
SALLY P. BRAJEVICH  
Attorney for Appellant  
KENNETH W. MILLS

230R36

OCT 22 2007 20865

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT, DIVISION EIGHT

\_\_\_\_\_  
THE PEOPLE OF THE STATE OF CALIFORNIA, )

Plaintiff and Respondent, )

v. )

KENNETH W. MILLS, )

Defendant and Appellant. )  
\_\_\_\_\_

) Court of Appeal

) No. B193456

) Los Angeles County

) Superior Court

) No. VA088677

APPEAL FROM THE JUDGMENT OF  
THE SUPERIOR COURT OF LOS ANGELES COUNTY  
THE HONORABLE LARRY S. KNUPP AND CYNTHIA RAYVIS JUDGES

\_\_\_\_\_  
SECOND MOTION TO AUGMENT THE RECORD ON APPEAL

SALLY P. BRAJEVICH  
1379 Park Western Drive, # 316  
San Pedro, California 90732  
Telephone: (310) 832-9385  
Fax: (310) 832-9684  
State Bar No. 161863

Attorney for Appellant  
KENNETH W. MILLS

240 F36

Received this

NOV. 15th 2007  
Mills B193456 (APP)**SALLY P. BRAJEVICH**

Attorney at Law  
1379 Park Western Drive, #316  
San Pedro, California 90732  
Telephone: (310) 832-9385  
Fax: (310) 832-9684

November 9, 2007

**LEGAL MAIL****Privileged Attorney-Client Communications**

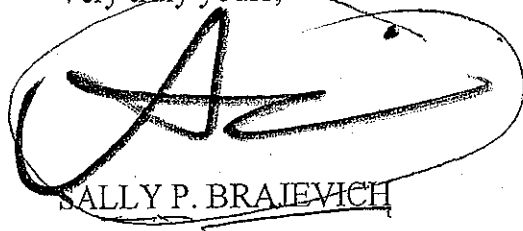
Mr. Kenneth W. Mills T-19095  
Salinas Valley State Prison D2-122L  
P.O. Box 1050  
125 Alder Street  
Soledad, CA 93960

Re: *People v. Kenneth W. Mills*  
Court of Appeal No. B193456  
Superior Court No. VA088677

Dear Mr. Mills:

I received your recent letter. As you are aware, I have already sent you the portion of the records you requested. I understand that you want the entire transcripts. However, as I have told you repeatedly, I need the records to prepare your appeal.

Very truly yours,



SALLY P. BRAJEVICH

250F36

Received this Nov. 15th 2007  
Mills B193456 (APP) Exhibit 6 (20/44)

**SALLY P. BRAJEVICH**

Attorney at Law  
1379 Park Western Drive, #316  
San Pedro, California 90732  
Telephone: (310) 832-9385  
Fax: (310) 832-9684

November 9, 2007

**LEGAL MAIL**

**Privileged Attorney-Client Communications**

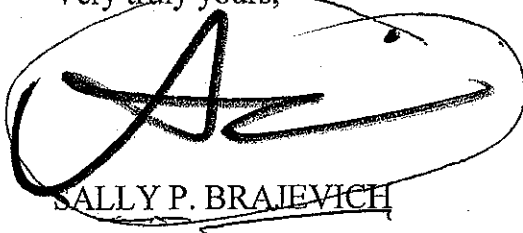
Mr. Kenneth W. Mills T-19095  
Salinas Valley State Prison D2-122L  
P.O. Box 1050  
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Re: *People v. Kenneth W. Mills*  
Court of Appeal No. B193456  
Superior Court No. VA088677

Dear Mr. Mills:

I received your recent letter. As you are aware, I have already sent you the portion of the records you requested. I understand that you want the entire transcripts. However, as I have told you repeatedly, I need the records to prepare your appeal.

Very truly yours,



SALLY P. BRAJEVICH

260536



**SALLY P. BRAJEVICH**

Attorney at Law  
1379 Park Western Drive, #316  
San Pedro, California 90732  
Telephone: (310) 832-9385  
Fax: (310) 832-9684

August 16, 2007

**LEGAL MAIL****Privileged Attorney-Client Communications**

Mr. Kenneth W. Mills T-19095  
Salinas Valley State Prison D2-122L  
P.O. Box 1050  
125 Alder Street  
Soledad, CA 93960

Re: *People v. Kenneth W. Mills*  
Court of Appeal No. B193456  
Superior Court No. VA088677

Dear Mr. Mills:

You have requested a copy of the reporter's transcripts and clerk's transcripts for the following dates:

(1) November 2, 2005:

*I DO NOT HAVE AN AFFIDAVIT ON THIS DATE*  
Enclosed is an affidavit from the court reporter stating there was no reporter's transcript on this date, along with the clerk's transcript of this date. (Affidavit: 1CT 48-49.)

(2) November 11, 2005:

*NOV 11, 2007 THERE WAS NO PROCEEDINGS NOT NOV 11, 2005*  
There was no hearing on this date. The clerk's notes indicate the proceedings were continued from November 11, 2005, until December 28, 2005.

(3) June 6, 2006:

The reporter's transcript and clerks transcript from this date are enclosed. (1CT 263-266; 3RT 418-474.)

(4) February 8, 2006:

The reporter's transcript and clerk's transcript from this date are enclosed. (Supp. RT C3-C14; 1CT 53-54.)

(5) August 28, 2006:

You were sentenced in this case on June 28, 2008. I did not receive any records after that date.

You mentioned you wanted a case returned to you. Please provide me the name of the case, and I will return it to you. In the future, you should keep a copy of anything you send me.

270936

11/9/08/4/4/4

**SALLY P. BRAJEVICH**

Attorney at Law

1379 Park Western Drive, #316

San Pedro, California 90732

Telephone: (310) 832-9385

Fax: (310) 832-9684

October 11, 2007

**LEGAL MAIL****Privileged Attorney-Client Communications**

Mr. Kenneth W. Mills T-19095  
Salinas Valley State Prison D2-122L  
P.O. Box 1050  
125 Alder Street  
Soledad, CA 93960

Re: *People v. Kenneth W. Mills*  
Court of Appeal No. B193456  
Superior Court No. VA088677

Dear Mr. Mills:

*ATTORNEY HAS DENIED ME COPY OF ALL "TRANSCRIPTS"*

Enclosed is a copy of the second motion to augment which was filed in the Court of Appeal. I am also returning several items you sent me which I have copied. With respect to your request for the transcripts, I already sent you the portion of the transcripts you requested. The entire transcripts will be sent to you as soon as the appeal has concluded. In the meantime I need the transcripts to prepare the appeal.

*ATTORNEY HAS DENIED ME ENTIRE TRANSCRIPTS*

After the Court of Appeal issues an opinion, I generally file a Petition for Review with the California Supreme Court. This allows the California Supreme Court to consider the issues the appellant lost. It also "exhausts" the issues, allowing the defendant to proceed to federal court on his own with these issues. Only claims which have been presented to the California Supreme Court may be raised in a federal habeas petition. If you would prefer to file your own Petition for Review, instead of having me do so, you may. Please write back and tell me your preference. Keep in mind you only have 40 days from the date of the opinion to file the Petition for Review. This deadline may not be extended. The time frame is tight when the appellant is in prison due to limited access to the prison law library, and delays in mailing the opinion and the records to and from the prison. It is usually easier and faster for me to file the petition. I will do whatever you prefer.

Very truly yours,



SALLY P. BRAJEVICH

Enclosure

280F36

# AB 1302 ASSEMBLY BILL

## CHAPTERED - "BILL TEXT"

CHAPTER 475 "BID A DAY FOR EVERY ILLLEGAL EMPLOYEE"

FILED WITH SECRETARY OF STATE SEPT. 22, 03

APPROVED BY GOVERNOR "SEPT. 22, 03"

PASSED THE SENATE "SEPT. 12, 03"

PASSED THE ASSEMBLY "SEPT. 13, 03"

AMENDED IN SENATE "SEPT. 12, 03"

AMENDED IN SENATE "JULY 09, 03"

AMENDED IN ASSEMBLY "APRIL 22, 03"

(INTRODUCED BY ASSEMBLY

MEMBER "SIMITIAN - "PRINCE

COALITION: "SENATOR SHER")

(Hearings) "FEBRUARY 21, 2003"

AN ACT RELATING TO THE PAYMENT OF CLAIMS AGAINST THE STATE, MAKING

AN "APPROPRIATION" THEREOF, AND "DECLARING" THE

"AUGUST 21st 2007" exhibit (4) A

"PAGE 21"

"ILLEGALLY IMPRISONED." THE "APPELLATE IS REQUESTING FOR THE COURT TO GO THROUGH THE ENTIRE "CRIMINAL TRANSCRIPTS" / "REPORTERS" NOTE FOR "CRIMINAL CASE # VAO88677."

"APPELLATE" HAS "CONSTANTLY" TRIED TO HE HIMSELF." (SEE "CALIFORNIA APPELLATE PROJECT" SUBMITTED WITH THE "REL"

LITIGATION) ALSO SEE "BRIEF SUBMITTED BY COURSE (ALLEGEDLY) "THE BRIEF" DON'T HAVE SIGNATURE BY A "CLERK" OR "DEPUTY CLERK" OF THE COURT."

(MAKING BRIEF UNLAWFUL) ALSO SEE IN "BRIEF" THE "DATE OF NOVEMBER 11th 2005." "THE DATE IS NOT CORRECT" THE DATE IS TO BE "NOVEMBER 22nd"

ONE DAY BEFORE MY BIRTHDAY (NOV. 3rd 1957) IS WHEN "DISTRICT ATTORNEY (DEPUTY) STATED IN COURT "I DON'T THINK HE'S COMPETENT" JUDGE

"I COMMITTED NO UNLAWFUL CONDUCT IN MY CRIMINAL TRIAL (VAO88677) WHEN (NOV. 22nd) DEPUTY DISTRICT MADE STATEMENT."

"APPELLATE" "RESPECTFULLY REQUESTS ENTIRE COURT FILE VAO88677 BOXES THROUGH BY THE COURT OF APPEALS"

... .. Kenneth ... ..



MY NAME IS "KENNETH MILLS TROES" AND  
IM THE "PETITIONER" IN THE CASE "KENNETH MILLS TROES"  
AND IM A "UNITED STATES" CITIZEN AND "OVER THE YEARS"  
OF 1981 AND MY ADDRESS IS: 1 HABAS CORPUS

"KENNETH MILLS TROES"  
"SALINAS VALLEY STATE PRISON D-2/124"  
"125 ALDER STREET"  
"SOLEDAD, CA."  
"93960-1050"

I SERVED THE ATTACHED: (83) PAGES, 121 PETITIONS  
FOR WRIT OF HABEAS CORPUS: ATTACHMENTS:

I MAILED THE ABOVE TO: OFFICE OF THE CLERK  
U.S. DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF CALIFORNIA  
280 South 1st Street RM 2112  
SAN JOSE CALIF 95113-3095

I PLACED ALL (83) PAGES IN A MANILA ENVELOPE, INDEL-  
IBED BY A "CALIFORNIA" CORRECTIONAL OFFICER.

I SWEAR "UNDER THE PENALTY OF PERJURY" THAT THE  
ABOVE IS "TRUE & CORRECT" TO THE BEST OF MY  
KNOWLEDGE. I PLACED (83) PAGES IN U.S. MAIL ON THE  
18TH DAY OF DECEMBER IN THE YEAR OF 2007.

Kenneth Mills TROES



## IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

## SECOND APPELLATE DISTRICT

DIVISION B

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff and Respondent,

vs.

KENNETH W. MILLS

Defendant and Appellant.

2d Crim. No. B193456(Super. Ct. No. VA 088677)

## O R D E R

Re: AUGMENTATION

- ☐ Appellant's motion to augment the record on appeal is granted. The record on appeal is ordered augmented with:
- ☐ document(s) filed with the motion to augment as [exhibit(s)] \_\_\_\_\_;
- ☐ trial court exhibit(s) \_\_\_\_\_;
- ☐ the superior court file;
- ☐ the transcripts described below.
- ☐ The clerk of the superior court is ordered to have prepared (an) augmented reporter's transcript(s) of the following:

	REPORTER'S NAME	DEPT.	DATE	NATURE OF PROCEEDINGS
1.	LINDA PERALTA	SES	11-2-05	COMPETENCY PROCEEDINGS PC 1368
2.	LINDA PERALTA	SES	11-02-05	NO COMPETENCY PROCEEDINGS WERE HELD THE DATE CRIMINAL PROCEEDING FOR CASE #VA088677/ LIPPER NATURE OF PROCEEDINGS IS WRONG. TRYING TO MISLEAD THE COURT OF APPEAL Mills B193456
3.				
4.				

☐ see additional page(s)

- ☐ The clerk of the superior court is ordered to prepare an augmented clerk's transcript consisting of the following:

	DATE	DOCUMENT DESCRIPTION
1.		
2.		
3.		
4.		

☐ see additional page(s)

- ☐ An original and \_\_\_\_\_ copies of the above transcripts are to be prepared within 30 days of this order. No requests for extensions of time will be granted. THE ORIGINAL AND ALL COPIES OF SEALED PROCEEDINGS ARE TO BE SENT TO THE COURT OF APPEAL ONLY. Otherwise, the original is to be delivered to the Court of Appeal, one copy to the Attorney General, and one copy to each party listed below:

- ☐ Appellant's opening brief is to be filed within \_\_\_\_\_ days of the filing of the augmented record.

- ☐ This Order continues on \_\_\_\_\_ additional page(s). \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Date

Presiding Justice

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPARTMENT S

HON. LARRY S. KNUPP, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA )

PLAINTIFF, )

VS. )

NO.: VA088677

KENNETH MILLS,

AUGMENT TRANSCRIPT

DEFENDANT. )

AFFIDAVIT

I, LINDA R. PERALTA, DO HEREBY CERTIFY THAT:

I AM AN OFFICIAL REPORTER OF THE SUPERIOR  
COURT OF THE STATE OF CALIFORNIA, FOR THE COUNTY OF LOS  
ANGELES;

THAT ON THE 1ST DAY OF JUNE, 2007, I RECEIVED A  
NOTICE TO REPORTER TO PREPARE AUGMENT OF TRANSCRIPT ON  
APPEAL IN THE ABOVE-ENTITLED ACTION;

THERE WERE NO PROCEEDINGS HELD ON THE DATE OF  
NOVEMBER 11, 2005, IN THE ABOVE-MENTIONED CASE ON THE  
RECORD.

I CERTIFY UNDER PENALTY OF PERJURY THAT THE  
FOREGOING IS TRUE AND CORRECT.

DATED THIS 22ND DAY OF JUNE, 2007.

*Linda R. Peralta*  
LINDA R. PERALTA, CSR 9269  
OFFICIAL

*Future Information that my appeal attorney  
Refuses to get on phone with state crime  
transcripts. I have no other way to find out from  
2014 080236 11004 Kenneth Mills B69386*

1:8D3

111

KENNETH MILLS

"APPELLATE"

"SALINAS VALLEY STATE PRISON"

"125 ALDER STREET"

"SOLEDAD CA, 93960"

"HONORABLE PRESIDING JUSTICE LAMARCO COOPER"

AND "HONORABLE ASSOCIATE JUSTICES"

"COURT OF APPEALS"

"SECOND DISTRICT" "DIVISION EIGHT"

"300 S. SPRING STREET, SECOND FLOOR"

"LOS ANGELES, CA, 90013"

RE: PEOPLE v. KENNETH MILLS

"COURT OF APPEAL NO. B193456"

"APPELLATE" RESPECTFULLY REQUEST PERMISSION

TO FILE THIS "CORRESPONDENCE" AND TO

"SUBMIT 121 EXHIBIT (A & B)"

"APPELLATE" NOW STATES OF "BETOS HELM ILLGALL" IMPROPERLY NOW (851) LAY FROM "RESPONDENT'S" "DATE" (RESPONDENT'S BRIEF)

"RESPONDENT" ALSO RESPECTFULLY REQUESTS TO BE "P" VINED WITH "ASSEMBLY BILL 1302" (TO BE CO

REPRESENTED BY THE "APPELLATE" HAS BEEN

HUBBARD BRATTON

SINCE YOUR ATTORNEY HANDLING  
MY CRIMINAL CASE (VA088677) ON APPEAL  
B193456 IN AGAIN REQUESTING TO BE  
PROVIDED WITH MY CRIMINAL COURT TRAN-  
SCRIPTS FROM THE DATE OF NOVEMBER 12  
2005 (REQUESTING WHY SHE IS NOT HEARD <sup>AND SEEN</sup> ~~AND SEEN~~ <sup>psychiatrist</sup> ~~psychiatrist~~)

I MADE A PERSONAL COURT APPEAR-  
ANCE TO NORWALK SUPERIOR COURT FOR CASE  
NUMBER VA088677. PRESIDING JUDGE WAS  
"LARRY KNUFF". A COURT REPORTER WAS PRE-  
SENT DURING THE PROCEEDINGS. VA088677  
REPORTER TRANSCRIBED THE PROCEEDINGS HEARD  
ON NOVEMBER 02ND 2005. (THERE ALSO IS COMPUTER  
RECORDS FOR THIS DATE.)

THIS IS THE DATE OF MY CRIMINAL PRO-  
CEEDINGS OF CRIMINAL CASE VA088677.  
THIS ALSO IS DATE OF STOPPAGE OF MY  
CRIMINAL TRIAL VA088677.

MY TRANSCRIPT OF NOVEMBER 02ND 2005 WILL  
SHOW MY ACTIONS (ALONG WITH COMPUTER  
RECORD - THAT I SOME HOW HAVE A COPY BUT  
RECORD ARE NOT OFFICIAL IN COURT FOR REASON  
STOPPING TRIAL (VA088677) ALSO REQUESTING  
THE JUDGE MUST RECORD THAT DO NOT ONE THE

PROCEEDING (VA088677) MAXIMUM on Page 29



SINCE YOUR ATTORNEY HANDLING MY CRIMINAL CASE (VA088677) ON APPEAL #B193456 IN AGAIN REQUESTING TO BE PROVIDED WITH MY CRIMINAL COURT TRANSCRIPTS FROM THE DATE OF NOVEMBER 19TH 2ND 2005 (Requesting why she I have any ~~mental~~ <sup>psychotic</sup> ~~illness~~ <sup>psychotic</sup>) I MADE A PERSONAL COURT APPEARANCE TO NORWALK SUPERIOR COURT FOR CASE NUMBER VA088677. PRESIDING JUDGE WAS LARRY KNUFF. A COURT REPORTER WAS PRESENT DURING THE PROCEEDINGS (VA088677) REPORTER TRANSCRIBED THE PROCEEDINGS HELD ON NOVEMBER 02ND 2005. (THERE ALSO IS COMPUTER RECORDS FOR THAT DATE.) THIS IS THE DATE OF MY CRIMINAL PROCEEDINGS OF CRIMINAL CASE VA088677. THIS ALSO IS DATE OF STOPPAGE OF MY CRIMINAL TRIAL VA088677. MY TRANSCRIPT OF NOVEMBER 02ND 2005 WILL SHOW MY ACTIONS (ALONG WITH COMPUTER RECORD - THAT I SURE HOW HAVE A COPY BOB RECORD ARE NOT OFFICIAL IN COURT FOR REASON STOPPAGE TRIAL (VA088677) ALSO REQUESTING THE JUDGE MUST RECORD THAT DO NOT ON THE 11.026 (Page 1) (CONTINUED ON PAGE 2)



COUNT 4: THE FOLLOWING CIVIL RIGHTS HAVE BEEN VIOLATED:

"JUDGE LARRY KNUFF" WAS PRESIDING JUDGE NOVEMBER 02 2005 AND UNLAWFULLY PUT A HALL TO MY CRIMINAL PROCEEDINGS. (VA088677)

ON NOVEMBER 02ND 2005 I MADE COURT APPEARANCE FOR CRIMINAL CASE (VA088677) IN SUPERIOR COURT OF CALIFORNIA - NORWALK COURT HOUSE - DEPARTMENT T.

JUDGE "LARRY KNUFF" PRESIDING AND DEFENDANT (MILLS) WAS APPEARING UNDER "PROPRIA - PERSONA" STATUS. AT THE TIME DEFENDANT (MILLS) HAD A WAITED 4571 DAYS FOR CONSTITUTIONAL 601 DAYS FOR SPEEDY TRIAL.

THE JUDGE ASKED THE DEFENDANT (MILLS) IF HE WAS READY TO GO TO TRIAL. DEFENDANT (MILLS) STATED: YES AND YOU HAVE THREE (3) DAYS TO GET ME INTO MY CONSTITUTIONAL SPEEDY TRIAL.

THE DISTRICT ATTORNEY STATED: I DON'T THINK I AM COMPETENT. THATS DEPUTY DISTRICT ATTORNEY WHICH MADE THIS STATEMENT. JUDGE KNUFF SUSPENDED PROCEEDINGS UNDER PENAL CODE § 1368.

I MADE NO UNLAWFUL ACTIONS. THERE WAS NOT A LAWFUL REASON FOR SUPERIOR COURT JUDGE KNUFF TO HALLT PROCEEDINGS UNDER PENAL CODE SECTION § 1368 AND COURT RECORDS WILL SHOW BEYOND A DOUBT WHO'S RIGHT AND WHO'S WRONG.

(CONTINUED FROM REVERSE-SIDE)

- # 8th I WAS AN "INDIGENT DEFENDANT FOR CRIMINAL TRIAL VA088677" (PROPIA-PERSONA)
- # 9th FROM MY RESEARCH - IM STATING MY CONSTITUTIONAL CIVIL RIGHTS TO A "SPEEDY TRIAL" WAS "VIOLATED" BUT MY APPEALS ATTORNEY (AND NOW YOU) ARE VIOLATING MY "RIGHTS TO THE CONSTITUTION" (FEDERAL RIGHTS TO A SPEEDY TRIAL)
- # 10) "GRIFFIN V. ILLINOIS" (1956) 351 U.S. 12; 13-19; 76 S.Ct 585, 100 L.Ed. 891 (INDIGENT DEFENDANTS ARE ENTITLED TO "COURT TRANSCRIPTS") (ONLY ONE COPY IS MADE OF COURT TRANSCRIPTS FOR THE DEFENDANT)
- # 11) "ACCESS TO COURT TRANSCRIPTS:  
1992 11C Dist. Lexis 9751: MINDETOW V. NEW YORK STATE  
JUNE 9th 1992: DECIDED: U.S. DISTRICT COURT: 2ND CIRCUIT  
(1985 to 1993) (PLAINTIFF AND COUNSEL NEITHER HAD A TIMELY ACCESS TO COURT TRANSCRIPTS)
- # 12) IVE HAD MY CONSTITUTIONAL RIGHTS VIOLATED (3X'S AND WILL TELL IT ALL: (COURT TRANSCRIPTS) (THIS IS WHY IM "DENIED" COURT TRANSCRIPTS" HADN'T FEDERAL VIOLATIONS)  
MY "APPEAL ATTORNEY" WAS NOT TO RECEIVE COPY OF APPEAL FIRST THE "ONLY COPY" OF MY APPEAL GOES TO THE DEFENDANT. THE "CA. RULES OF COURT" VIOLATIONS OF "RULE" 110 (TIME LIMITS FOR CRIMINAL PROSECUTIONS) (RETURN TO BE BROUGHT UP AFTER  
"RULE" 3 "A JUDGE SHALL PERFORM THE DUTIES OF JUDICIAL OFFICE" IN PARTIALITY AND DILIGENTLY"
- # 13) IM REQUESTING TO BE PROVIDED WITH COMPUTER RECORDS OF
- # 14)

TOLD MS BARNETT OF REQUEST  
12/22/06 AM MRS. R. REQUESTED A  
MEDICAL ROOM. FELL IN CUB W/ WATER.  
MS. BARNETT (W/AT SHE STATED) VIOLENT WATER  
ON FLOOR OF CUB AT ASU N-6.  
1st. FIER GO. Accompanied MRS. OFF. BARN  
SEE / 8 stepped in water.  
TOLD "MS BARNETT" OF WATER EVENING FIER ASU  
CUB 127. PROOF LEAKY. RAISED 12/21/2006.  
GO GASKING 1st. FIER GO



2d 577; 579; 8 SUMMARY 1941. CONSTITUTIONAL  
LAW, § 682 REQUIREMENT THAT INCARCERATED APPEL-  
ANTS' PRISON PAY BE APPLIED TO REIMBURSE COST WA.  
"UNCONSTITUTIONAL DENIAL OF EQUAL PROTECTION"  
ON THE "RIGHTS IN FEDERAL COURTS" SEE "HARDY  
V. UNITED STATES" (1964) 375 U.S. 277; 84 S.Ct. 421  
426; 11 L.Ed.2d 331; 334; 78 HARV. L. REV. 26  
ON THE "RIGHT IN HABEAS CORPUS PROCEEDING," SEE  
"GARNER V. CALIFORNIA" (1968), 393 U.S. 367 89 S.Ct.  
580; 21 L.Ed.2d 602; "WANE V. WILSON" (1970)  
396 U.S. 282; 90 S.Ct. 501; 24 L.Ed.2d 470; CF  
"NORVELL V. ILLINOIS" (1963) 373 U.S. 420; 83 S.Ct.  
1366; 10 L.Ed.2d 456 [RULE INAPPLICABLE WHERE  
REPORTER DIED AND "NOTES NOT TRANSCRIBABLE";  
"UNITED STATES V. MACDONALD" (1976) 426 U.S.  
317; 96 S.Ct. 2086; 2088; 48;  
C. FURTHER REVIEW IN UNITED STATES SUPREME COURT

WHERE A CLAIM IS MADE OF DENIAL OF A FEDERAL  
CONSTITUTIONAL RIGHT SUCH AS "DUE PROCESS" & "EQUAL  
PROTECTION" OR THE BAR AGAINST "CRUEL AND UNUSUAL  
PUNISHMENT," THE "ISSUE" MAY BE "RAISED" UNDER  
CERTAIN CIRCUMSTANCES IN THE "UNITED STATES SUPREME  
COURT," BY "APPEAL" OR "CERTIORARI" AFTER "AFFIRMAN-  
CE" OF A "CONVICTION" OR OTHER "EXHAUSTION OF  
REMEDIES" IN THE STATE COURT OR THE LOWER FEDERAL  
COURTS. (SEE GENERALLY 11 STANF. L. REV. 94; 98;  
1000 100551 (CONTINUED ON PAGE 34)

KENNETH W. MILLS (ST 60095)  
 SALINAS VALLEY STATE PRISON (D-2/1241)  
 125 ALDER STREET -  
 SOLEDAD CA. 93960-1050 "

U.S. DISTRICT COURT For the Northern Dist. of CALIF.

KENNETH MILLS  
 BRIEF  
 ON HABEAS CORPUS

THE "RIGHT" TO TEST THE "LEGALITY" OF "ONES" DETENTION" BEFORE A "NEUTRAL JUDGE."

DEFENDANT FEELS THAT THERE NEEDS TO BE A "BALANCE" BETWEEN "THE SECURITY IMPERATIVES" AND THE "LEGAL PROCESS." IN "URGING" THE COURT "TO" DECLARE THAT "I HAVE A "CONSTITUTIONALLY GUARANTEED" RIGHT" TO HAVE THE "LEGALITY OF MY IMPRISONMENT" EXAMINED BY A "FEDERAL JUDGE." THE "FOUNDERS" OF OUR "NATION" CREATED A "CONSTITUTION" DEDICATED TO THE "PROTECTION OF "LIBERTY" NOT ONE THAT "TURNS A BLIND EYE TO "IMPRISONMENT" WITHOUT A MEANINGFUL OPPORTUNITY TO BE HEARD.

Kenneth Mills TRUST



Name

Address

CDC or ID Number

KENNETH MILLS  
 SALINAS VALLEY STATE PRISON 10-2112901  
 125 ALGER STREET  
 SOLEDA CA. 95960-1050

FID005

UNITED STATES DISTRICT COURT  
 NORTHERN DIST. OF CALIF.  
 (Court)

## PETITION FOR WRIT OF HABEAS CORPUS

KENNETH W MILLS	
Petitioner	vs.
SUPERIOR COURT OF CALIFORNIA	
Respondent	(NORWALK COURT HOUSE)

No.

(To be supplied by the Clerk of the Court)

## INSTRUCTIONS—READ CAREFULLY

- If you are challenging an order of commitment or a criminal conviction and are filing this petition in the Superior Court, you should file it in the county that made the order.
- If you are challenging the conditions of your confinement and are filing this petition in the Superior Court, you should file it in the county in which you are confined.
- Read the entire form *before* answering any questions.
- This petition must be clearly handwritten in ink or typed. You should exercise care to make sure all answers are true and correct. Because the petition includes a verification, the making of a statement that you know is false may result in a conviction for perjury.
- Answer all applicable questions in the proper spaces. If you need additional space, add an extra page and indicate that your answer is "continued on additional page."
- If you are filing this petition in the Superior Court, you need file only the original unless local rules require additional copies. Many courts require more copies.
- If you are filing this petition in the Court of Appeal, file the original and four copies of the petition and, if separately bound, one copy of any supporting documents.
- If you are filing this petition in the California Supreme Court, file the original and ten copies of the petition and, if separately bound, two copies of any supporting documents.
- Notify the Clerk of the Court in writing if you change your address after filing your petition.
- In most cases, the law requires service of a copy of the petition on the district attorney, city attorney, or city prosecutor. See Penal Code section 1475 and Government Code section 72193. You may serve the copy by mail.

Approved by the Judicial Council of California for use under rule 8.380 of the California Rules of Court (as amended effective January 1, 2007). Subsequent amendments to rule 8.380 may change the number of copies to be furnished to the Supreme Court and Court of Appeal.

69F86 10F83

This petition concerns:

☐ A conviction☐ Parole☐ A sentence☐ Credits☐ Jail or prison conditions☐ Prison discipline☒ Other (specify):

Refusal to Give Crim. Transcripts

1. Your name:

KENNETH MIZIK

2. Where are you incarcerated?

SACRAMENTO STATE PRISON

3. Why are you in custody?



Criminal Conviction



Civil Commitment

Answer subdivisions a. through i. to the best of your ability.

a. State reason for civil commitment or, if criminal conviction, state nature of offense and enhancements (for example, "robbery with use of a deadly weapon")

MAYHEM

ASSAULT WITH FORCE LIKELY TO PRODUCE INJURY

\$205 &amp; \$245 (211)

b. Penal or other code sections:

c. Name and location of sentencing or committing court:

SUPERIOR COURT OF CALIF.

ORNIA - NORWALK SUPERIOR COURT

d. Case number:

KAD88677

e. Date convicted or committed:

JUNE 06th 2006 (666)

f. Date sentenced:

AUGUST 18th 2006

g. Length of sentence:

LIFE + 16 YEARS

h. When do you expect to be released?

NOT KNOWN

i. Were you represented by counsel in the trial court?

☐ Yes.

No. If yes, state the attorney's name and address:

4. What was the LAST plea you entered? (check one)



Not guilty



Guilty



Nolo Contendere



Other:

5. If you pleaded not guilty, what kind of trial did you have?



Jury



Judge without a jury



Submitted on transcript



Awaiting trial

7. Ground 2 or Ground

(if applicable)

TRIAL COURT DIDN'T USE PROCEDURE TO PROTECT ME FROM  
BEING ILLEGALLY INCARCERATED ALL THESE YEARS;

CALIF. PRISON OFFICIALS DIDN'T FOLLOW THE LAWS OF  
CALIFORNIA FOR PROTECTING NOT TO COMMIT PERSONS UNLAWFULLY

a. Supporting facts

PETITIONER RESPECTFULLY SUBMIT THE PETITION ON  
THE PREJUDICIAL AND UNLAWFUL TREATMENT DONE TO  
PETITIONER PETITIONER ALSO BEES FOR A "EVIDENT" HEARING.

ON THE YEAR OF 2001, I WAS UNLAWFULLY  
COMMITTED TO STATE PRISON (SEE SCAND COURT? HALL OF  
JUSTICE PAGE SUBMITTED WITH THIS PETITION)

I WENT TO "SAN QUENTIN STATE PRISON",  
AT WHICH TIME I WAS GIVEN CAC-R NO. T-9-  
095. I WAS IMPRISONED FOR PROBATION VIOLATION.  
(CASE NO. VER147775). I HAD A HEARING ON MY  
PROBATION VIOLATION. HEARING ON SPECIAL ABUSE AND  
PROBATION VIOLATION ON "JAN. 29th 2001" SUPERIOR  
COURT JUDGE "ALLEN P. CARTER" RULED: ALLEGATION  
THAT PETITIONER VIOLATED A TERM OF PROBATION WAS DISMISSED;  
(EX-WIFE "WILLIAMKA SPARKER" STATED: "I  
DON'T KNOW WHAT HAPPENED - DIDN'T STATE THAT  
I DID NOTHING") I HAVE "VIOLATIONS" OF "CRC 4.100"  
AND "4.110"

b. Supporting cases, rules, or other authority:

"U.S. CAL. CONSTITUTION"

"LAWS OF CALIFORNIA"

"CIVIL RIGHTS OF U.S. CITIZEN"

"ILLEGAL IMPRISONMENT"

"SPEEDY TRIAL VIOLATIONS"

"IMMUNITY OF STATE HOSPITAL PATIENT VIOLATED ACT" - VIOLATIONS

## 6. GROUNDS FOR RELIEF

Ground 1: State briefly the ground on which you base your claim for relief. For example, "the trial court imposed an illegal enhancement." (If you have additional grounds for relief, use a separate page for each ground. State ground 2 on page four. For additional grounds, make copies of page four and number the additional grounds in order.)

TRIAL COURT (JUDGE) DENIED ME RIGHTS TO HAVE  
CRIMINAL TRIAL TRANSCRIPTS: VIOLATE U.S. SUPREME COURT  
DECISIONS

## a. Supporting facts:

Tell your story briefly without citing cases or law. If you are challenging the legality of your conviction, describe the facts upon which your conviction is based. If necessary, attach additional pages. CAUTION: You must state facts, not conclusions. For example, if you are claiming incompetence of counsel you must state facts specifically setting forth what your attorney did or failed to do and how that affected your trial. Failure to allege sufficient facts will result in the denial of your petition. (See *In re Swain* (1949) 34 Cal.2d 300, 304.) A rule of thumb to follow is: who did exactly what to violate your rights at what time (when) or place (where). (If available, attach declarations, relevant records, transcripts, or other documents supporting your claim.)

I THE PETITIONER DO HEREBY STATE THE  
PREJUDICIAL TREATMENT ON MY REQUEST FOR  
TRIAL TRANSCRIPTS. ON SEPTEMBER 06TH 2005 I MADE  
1st APPEARANCE IN NEWARK Superior Court "JUDGE LARRY  
KNOPE PREVIOUS U.S. SUPREME COURT SERIES OF DECISIONS"  
PETITIONER WAS APPEARING IN CRIMINAL TRIAL (VAD-  
88677) UNDER "PROPRIA PERSONA" (PRO-PR - DEFENDING  
ONES SELF) I WAIVED "NO TIME" ON NOVEMBER 02ND 2005  
I AGAIN WAS IN "SUPERIOR COURT JUDGE 'LARRY KNOPE  
COURT ROOM (NEWARK - PRO-PR), FOR CRIM. CASE  
NO. VAD88677. I HAD AWAITED (57) DAYS FOR MY  
"CONSTITUTIONAL 160 DAYS SPEED TRIAL. AT THAT  
TIME THE PROSECUTOR STATED: I DON'T THINK HE'S COM-  
(CONF. ATTORNEY)

## b. Supporting cases, rules, or other authority (optional):

(Briefly discuss, or list by name and citation, the cases or other authorities that you think are relevant to your claim. If necessary, attach an extra page.)

DEFENDANTS RIGHT TO FREE TRANSCRIPTS [81677]; EQUAL PRO-  
TECTIONS OF THE LAWS; *GRiffin v. ILLINOIS* (1956) 351 U.S.  
12, 76 S.Ct. 585, 588, 100 L.Ed. 891, 897; *ESKRIOTTE V. WA-*  
*SHINGTON AIRPORT BOARD* (1958) 357 U.S. 219, 78 S.Ct. 1066, 2 L.



11 (GROUND 1 CONTINUED FROM PG 3)

21 PETENT JUDGE, AND THE JUDGE (LARRY KNEPP) STOPPED  
31 MY CRIMINAL TRIAL FOR A "PENAL CODE §136B" PROC-  
41 EEDINGS TO SEE TWO PSYCHIATRISTS. I MADE NO UN-  
51 RULY ACTIONS "IN" SUPERIOR COURT JUDGE COURT ROOM  
61 FOR MY TRIAL TO BE INTERRUPTED FOR ME TO SEE (2) PSY  
71 CHIASTRIST.

81 FEBRUARY 2006 (2) PSYCHIATRIST EVALUATIONS OF  
91 ME FOUND ME "COMPETENT TO STAND TRIAL" WITH  
101 (1) PSYCHIATRIST STATEMENT OF "I DON'T KNOW WHY  
111 MY TIME IS WASTED". ON THE FEBRUARY 2006 I WAS RE-  
121 TURNED BACK TO "CRIMINAL COURT" AT WHICH TIME I FILED  
131 A PEN. CODE §136B (ADJUDICATION) ON SUPERIOR COURT JUDGE  
141 LARRY KNEPP. I WAS SENT NEXT DOOR TO SUPER-  
151 IOR COURT JUDGE COURT ROOM "CYNTHIA RAYNE".

161 MY CRIMINAL TRIAL (VACUUM) MY 1571 DAYS  
171 AWAITING SPEEDY TRIAL WAS THROWN OUT BY SUP-  
181 ERIOR COURT JUDGE "CYNTHIA RAYNE" (I AWAITED IN  
191 JUDGE KNEPP COURT ROOM)

201 I WAS GIVEN (ALLEGEDLY) ATTORNEY AT LARGE  
211 FOR MY "APPEAL (B-123456) "SALLY PATRICK BRAJEVICH".  
221 "IVE REQUESTED NUMEROUS OF TIMES "FROM ATTORNEY" TO  
231 "GIVE ME MY TRANSCRIPT" THAT SUPERIOR COURT JUDGE "LARRY-  
241 KNEPP & "CYNTHIA RAYNE" DENIED ME (SEE ATTACHMENT)

251 THIS ATTORNEY STATES OF "HOLDING RECORD ON APPEAL  
261 (ASKING FOR THE ATTORNEY "BRAJEVICH" NOT RECEIVE COMPLETE  
271 COPY OF TRANSCRIPT "I WANT CRIM. TRANSCRIPT OF VACUUM TRIAL  
281



8. Did you appeal from the conviction, sentence, or commitment? ☒ Yes. ☐ No. If yes, give the following information:

a. Name of court ("Court of Appeal" or "Appellate Dept. of Superior Court"):

b. Result: "N/A" c. Date of decision: "N/A"

d. Case number or citation of opinion, if known:

e. Issues raised: (1)

(2)

(3)

f. Were you represented by counsel on appeal? ☒ Yes. ☐ No. If yes, state the attorney's name and address, if known:

ELENA AUGUSTINO, Solano County

9. Did you seek review in the California Supreme Court? ☐ Yes ☐ No. If yes, give the following information:

a. Result

b. Date of decision:

c. Case number or citation of opinion, if known:

d. Issues raised: (1)

(2)

(3)

10. If your petition makes a claim regarding your conviction, sentence, or commitment that you or your attorney did not make on appeal, explain why the claim was not made on appeal:

11. Administrative Review:

a. If your petition concerns conditions of confinement or other claims for which there are administrative remedies, failure to exhaust administrative remedies may result in the denial of your petition, even if it is otherwise meritorious. (See *In re Muszalski* (1975) 52 Cal.App.3d 500 [125 Cal.Rptr. 286].) Explain what administrative review you sought or explain why you did not seek such review:

b. Did you seek the highest level of administrative review available? ☒ Yes. ☐ No.

Attach documents that show you have exhausted your administrative remedies.

346f36

Exhibit

210185

High Desert State Prison  
P.O. Box 750  
Susanville, CA 96127-0750

03/19/02

SOLANO COUNTY SUPERIOR COURT  
HALL OF JUSTICE, NORTH WING  
600 UNION AVENUE  
FAIRFIELD, CA 94533

RE: MILLS, KENNETH  
CDC#: T-19095  
Case #: VCR147775  
Sentence Date: 06/01/01

Date of Arrest:  
Booking #:  
Report #:  
Charge:

Dear Sir:

The above identified Subject has been sentenced to the California Department of Corrections from your County. We have not received the following documents/information on the above case. It is of the utmost importance these documents/information are received to properly record the commitment. *CAC NEVER RECEIVED DOCUMENTS THAT WAS TO ACCOMPANY ME TO PRISON. SHOWS ILLEGAL IMPRISONMENT MILL T19095*

- ( ) INFORMATION
- ( ) PROBATION OFFICERS REPORT
- ( ) CERTIFIED COPY OF ABSTRACT OF JUDGMENT - COMMITMENT
- ( ) TRANSCRIPT OF PROCEEDINGS AT TIME OF SENTENCING
- (XXX) MINUTE ORDER - CERTIFIED
- ( ) ARREST REPORT/INVESTIGATIVE REPORT

Your cooperation in this matter is greatly appreciated.

Sincerely,

D. L. RUNNELS  
WARDEN

*L. Kennedy*  
D. SADER  
Correctional Case Records Manager  
(530) 251-5100 EXT. 5574

*THIS WAS TO ACCOMPANY ME TO PRISON  
BUT IT DIDNT. ILLEGALLY IMPRISONED  
06/2001 PRISON T19095 - CASE NO. VCR147775  
WHICH WAS DISMISSED ON 01-29-01 BY SUPERIOR  
COURT JUDGE ALLAN CARTER AT PROBATION  
REVOCATION HEARING.*

*Kenneth Mills T19095*

cc: Central File  
Inmate

(6018)

320F36

RECEIVED  
SOLANO COUNTY COURTS  
02 MAR 22 PM 1:42  
COUNTY OF SOLANO

12. Other than direct appeal, have you filed any other petitions, applications, or motions with respect to this conviction, commitment, or issue in any court? ☒ Yes. If yes, continue with number 13. ☐ No. If no, skip to number 15.

13. a. (1) Name of court: COURT OF APPEAL 1st APP. DIST. S.F. CA.  
 (2) Nature of proceeding (for example, "habeas corpus petition"): HABEAS CORPUS  
 (3) Issues raised: (a) ILLEGAL IMPRISONMENT  
 (b) Civil Rights Violation  
 (4) Result (Attach order or explain why unavailable): REVIEWED  
 (5) Date of decision: OCT. 26 2006

- b. (1) Name of court: \_\_\_\_\_  
 (2) Nature of proceeding: \_\_\_\_\_  
 (3) Issues raised: (a) \_\_\_\_\_  
 (b) \_\_\_\_\_  
 (4) Result (Attach order or explain why unavailable): \_\_\_\_\_  
 (5) Date of decision: \_\_\_\_\_

c. For additional prior petitions, applications, or motions, provide the same information on a separate page.

14. If any of the courts listed in number 13 held a hearing, state name of court, date of hearing, nature of hearing, and result:

15. Explain any delay in the discovery of the claimed grounds for relief and in raising the claims in this petition. (See *In re Swain* (1949) 34 Cal.2d 300, 304)

MENTALLY ILL  
ET

16. Are you presently represented by counsel? ☐ Yes. ☒ No. If yes, state the attorney's name and address; if known:

17. Do you have any petition, appeal, or other matter pending in any court? ☐ Yes. ☒ No. If yes, explain:

18. If this petition might lawfully have been made to a lower court, state the circumstances justifying an application to this court:

N/A

N/A

I, the undersigned, say: I am the petitioner in this action. I declare under penalty of perjury under the laws of the State of California that the foregoing allegations and statements are true and correct, except as to matters that are stated on my information and belief, and as to those matters, I believe them to be true.

Date: DEC. 17th 2006

Kenneth Milk  
 (SIGNATURE OF PETITIONER)

360536

30085

COURT OF APPEAL, FIRST APPELLATE DISTRICT  
350 MCALLISTER STREET  
SAN FRANCISCO, CA 94102  
DIVISION 1

COPY

In re KENNETH MILLS on Habeas Corpus.

A115580

Solano County No. VCR147775

BY THE COURT:

The petition for writ of habeas corpus is denied.

The justices participating in this matter were:

Presiding Justice Marchiano, Justice Swager and Justice Margulies

FILED

OCT 26 2006

Court of Appeals, First Appellate District  
DIANA HERBERT

By \_\_\_\_\_ DEPUTY

386 Days For this  
HABEAS corpus to be  
Response for  
Today's Date  
September 25th 2007

Due Process Violation  
Kenneth Mills  
Theodore

Date: OCT 26 2006

MARCHIANO, P.J.

P.J.

THE Court agrees. By A Natural person NO  
LITIGANT AS LAW DEMANDER RECEIVED this 09-05-07  
Kenneth Mills Violation of Due Process  
of HABEAS corpus petition  
(60) DAYS to HAVE Response

330536

(5058)

V. NEEDHAM ON APPEAL  
A. DEFENDANT'S RIGHT TO FREE TRANSCRIPT.  
1. "[§107] FELONY" (EXHIBIT 11A)

IN A SERIES OF DECISIONS, THE UNITED STATES SUPREME COURT HAS HELD THAT AN INDIGENT DEFENDANT IN A FELONY CASE IS ENTITLED TO BE FURNISHED WITH A COMPLETE TRANSCRIPT OF CRIMINAL PROCEEDINGS FOR THE PURPOSE OF APPELLATE REVIEW, BOTH ON APPEAL FROM JUDGEMENT OF CONVICTION AND IN POSTCONVICTION PROCEEDINGS; AND THAT "STATE STATUTES" OR "RULES" THAT RESTRICT THE RIGHT CONSTITUTE A DENIAL OF FEDERAL PROTECTIONS OF THE LAWS. (SEE GRIFFIN V. ILLINOIS (1956) 357 U.S. 12; 76 S.Ct. 585, 589, 100 L.Ed. 891, 897; ESKRIDGE V. WASHINGTON PRISON BOARD (1958) 357 U.S. 214; 78 S.Ct. 1061; 2 L.Ed. 2d 1269; SMITH V. BENNETT (1961) 365 U.S. 708; 81 S.Ct. 895; 897; 6 L.Ed. 2d 39; 41; LANE V. BROWN (1963) 372 U.S. 477; 83 S.Ct. 768; 773; 9 L.Ed. 2d 892; 897; ENTSMINGER V. IDAHO (1967) 386 U.S. 748; 87 S.Ct. 1402; 18 L.Ed. 2d 502 [REVERSAL]; ALTHOUGH COUNSEL ASKED FOR FULL TRANSCRIPT HE CONCLUDED THAT APPEAL WAS WITHOUT MERIT AND FAILED TO FILE IT; ARNOLD V. YEAZ (1966) 384 U.S. 305; 86 S.Ct. 1497; 1499; 16 L.Ed.

(CONTINUED ON PAGE 2)

(2 of 5)



125 Alder St.  
Alameda, CA. 93426-1050

EXHIBIT 10 - EXHIBIT 10 - EXHIBIT 10

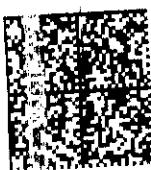
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 "SAN JOSE, CALIFORNIA"

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CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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